

1995

State of Utah v. Bret Thomas Criddle : Brief of Appellant

Utah Court of Appeals

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Recommended Citation

Brief of Appellant, *Utah v. Criddle*, No. 950639 (Utah Court of Appeals, 1995).
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IN THE UTAH COURT OF APPEALS

STATE OF UTAH, :
Plaintiff/Appellee, :
v. : Case No. 950639-CA
BRET THOMAS CRIDDLE, : Priority No. 2 (incarcerated)
Defendant/Appellant. :

BRIEF OF APPELLANT

This is an appeal from a judgment and conviction for theft, a second degree felony violation of Utah Code Ann. § 76-6-404, entered in the Third District Court for Salt Lake County, the Honorable Pat B. Brian, Judge, presiding.

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FILED

MAR - 5 1996

COURT OF APPEALS

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STATEMENT OF JURISDICTION

Utah Code Ann. § 78-2-a-3(2)(f) provides this Court's jurisdiction over this criminal case involving a second degree felony.

STATEMENT OF ISSUES

1. Does the trial court's failure to recuse himself, or trial counsels' or the prosecutor's failure to move for the recusal of the trial court require a new trial?

Since this issue was not raised below, this Court must apply standards set forth in State v. Neeley, 748 P.2d 1091(Utah), cert. denied, 487 U.S. 1220 (1988), and determine whether Utah Rule of Criminal Procedure 29 was complied with, whether there is a showing of actual prejudice, and whether there was an abuse of discretion. The Court may resort to the ineffective assistance of counsel and/or plain error doctrines in addressing the merits of this issue.

2. Does Mr. Criddle's incompetency at the time he stood trial require a new trial?

Since this issue was not raised below, this Court must

determine whether evidence of Mr. Criddle's incompetency arose during the proceedings, requiring the trial court to initiate competency proceedings. See State v. Young, 780 P.2d 1233, 1235-38 (Utah 1989). See also Utah Code Ann. § 77-15-2. This Court may resort to the ineffective assistance of counsel and/or plain error doctrines in addressing the merits of this issue.

STATUTES, RULES AND CONSTITUTIONAL PROVISIONS

The following statutes, rules and constitutional provisions are central to this appeal, and are copied in full in Appendix 1 to this brief:

Constitution of Utah, Article I section 7
Constitution of Utah, Article I section 12
United States Constitution, Amendment VI
United States Constitution, Amendment XIV, section 1
Utah Code Ann. section 77-15-1
Utah Code Ann. section 77-15-2
Utah Code Ann. section 77-15-3
Utah Code Ann. section 77-15-4
Utah Code Ann. section 77-15-5
Utah Rule of Criminal Procedure 23
Utah Rule of Criminal Procedure 29.

STATEMENT OF CASE

PROCEDURAL HISTORY OF THE CASE

The State charged Mr. Criddle and two co-defendants with one count of theft, a second degree felony (R. 7-10). The magistrate appointed Mr. Robert L. Steele of the Salt Lake Legal Defender Association to represent Mr. Criddle (R. 2), and the magistrate granted Mr. Criddle's motion to sever the case from the co-defendants' and reduced the bond to \$2,500 prior to the preliminary hearing (R. 3). After the preliminary hearing on May 31, 1994, the magistrate bound over Mr. Criddle as charged to

district court (R. 1).

Jury trial commenced and completed on March 20, 1995, in Judge Brian's court (R. 163). The trial court denied trial counsel's motion for a directed verdict, finding sufficient evidence of Mr. Criddle's intent to deprive, and that the value of the property at issue was established sufficiently (R. 341-347). The jury convicted Mr. Criddle as he was charged (R. 167).

Mr. Steele withdrew from representing Mr. Criddle because a conflict arose, and Joseph Fratto Jr. represented Mr. Criddle at sentencing, where Judge Brian sentenced Mr. Criddle to prison for one to fifteen years (R. 388). Subsequently, Mr. Fratto withdrew from representing Mr. Criddle, and the trial court appointed Candice A. Johnson to represent Mr. Criddle on appeal (R. 207).

FACTS OF THE CASE

On April 22, 1994, Stephen Howe discovered that his trailer full of tools worth over \$15,000, which was parked in the parking lot of an apartment complex at 4045 South Clubhouse Drive in Salt Lake County, was missing (R. 299-304). For months prior to this, the trailer bore some stickers placed there by a security company indicating that if the trailer was not removed from its location, it would be towed (R. 305-306). Upon discovering the trailer missing, Mr. Howe checked with the apartment complex management, with his neighbors, with a towing company, and finally with the police (R. 306-307). When he next saw his trailer it was after the police recovered it. It was damaged and the contents were in disarray and missing (R. 309).

Mr. Howe knew that Mr. Criddle lived in the same apartment complex as Mr. Howe at the time that the trailer disappeared (R. 310). Mr. Howe did not give Mr. Criddle or anyone else permission to be in or take the trailer (R. 311).

After the theft of the trailer, Mr. Criddle approached Mr. Howe a couple of times and tried to tell Mr. Howe that Mr. Criddle was not directly involved in the theft of the trailer, but was present when the theft occurred (R. 316-317). Mr. Howe was angry and did not listen to exactly what Mr. Criddle was saying (R. 317).

On April 22, 1995, Ronald Johnson, a Murray City Police Officer, was responding in uniform and a marked police car to the Midas Muffler shop located at 4500 South State Street (R. 318). The dispatch operator informed him that the truck pulling Mr. Howe's trailer had been spotted, and he began heading toward the location of the truck and trailer, following directions given by people on the street (R. 319). He followed a path of gouges in the asphalt (apparently from the dragging trailer jack), and eventually found the trailer, which was parked on the roadside after hitting a telephone pole (R. 320).

Officer Johnson got out and approached three people "milling around" near the trailer, one of whom was Mr. Criddle (R. 320-321). The three people initially headed toward the truck when they saw Officer Johnson, but after he ordered them to stop twice, and before they got in the truck, all three of them stopped (R. 322). A Mr. Remington was apparently the driver of

the truck and a Mr. Brollier was the other passenger (R. 326).

Detective Ben Jones talked to Mr. Criddle at the Murray Police Station on April 22, 1995, after he informed Mr. Criddle of his Miranda rights, and Mr. Criddle agreed to speak with him (R. 328-330). Detective Jones' testimony regarding their conversation was as follows:

He indicated to me that he and two of his friends had been drinking all day long, and had talked about taking the trailer, that they didn't really think they were going to do it right at that moment, but as they drove by it, one of the friends said, To hell with it, and they backed up to the trailer and hooked the trailer to a vehicle.

....

Mr. Criddle said, actually, all three of them got out. He didn't physically help them hook it up. There were three of them. Two of them grabbed it and hooked it on, and they jumped back in the vehicle, and took off with it.

....

He indicated to me he was sitting in the center of the pickup truck.

....

He did say all three of them got out of the vehicle, but he did not physically help them hook the trailer up.

(R. 331).

Without specifying particular persons, Detective Jones testified that they intended to take the contents of a trailer to sell to a pawnshop (R. 331), that they stopped at Midas Muffler to get a lock cut off the trailer and sold one of the tools to someone, that as they drove off, the trailer detached, and that as they had just returned to retrieve the trailer, Officer Johnson arrived (R. 332).

He testified that Mr. Criddle understood that the trailer was stolen, but "thought it would be all right" because he

thought the trailer had been abandoned (R. 333-334). Detective Jones recalled Mr. Criddle having used the word "steal" during the course of their interview, but that portion of the interview did not tape record (R. 336). Mr. Criddle never admitted to having stolen the trailer himself (R. 337).

In discussing the plans to take the trailer, Mr. Criddle told Detective Jones that his plan was to speak with the manager of the apartment complex to make sure that the trailer was abandoned (R. 337). But when he and Remington and Brollier drove past the trailer, Remington said, "Hell with it," and Remington and Brollier hooked on the trailer to Remington's truck (R. 337). It was Remington who lied to the employee at the Midas Muffler shop, indicating that the trailer belonged to someone's ex-wife (R. 339). Mr. Criddle apparently told Detective Jones that Remington, Brollier and Criddle were making up stories at the muffler shop to get the employees to cut off the lock from the trailer (R. 340).

Mr. Criddle told Detective Jones that the entire incident was beyond his control (R. 338), and that he wanted to just walk away but felt too involved to do so (R. 340). The idea about pawning the contents of the trailer was one discussed prior to their taking the trailer, when Mr. Criddle was intent on speaking to the manager of the apartment complex to make sure that the trailer had been abandoned (R. 339).

Detective Jones interviewed Mr. Criddle fifteen minutes after Mr. Criddle's arrest (R. 335). He agreed that Mr. Criddle

was "very intoxicated." (R. 335). Detective Jones took no notes, but tape recorded this conversation, but parts of the tape were inaudible (R. 333).

Detective Jones also interviewed the other two suspects, who had also been drinking (R. 336). Mr. Criddle was the most cooperative (R. 336). Mr. Brollier told Detective Jones the same thing that Mr. Criddle did, while Mr. Remington was uncooperative (R. 336).

SUMMARY OF ARGUMENT

This Court should reverse Mr. Criddle's conviction and order a new trial because the record demonstrates that the trial court was actually biased against Mr. Criddle, because the trial court abused his discretion in presiding over the case given this bias, and because the court and parties did not comply with Rule of Criminal Procedure 29.

Mr. Criddle's conviction must also be reversed because Mr. Criddle was incompetent to stand trial. Evidence of his incompetency clearly arose prior to trial, and prior to sentencing, yet the trial court failed to afford Mr. Criddle due process of law by holding competency proceedings.

ARGUMENT

- I. THE FAILURE OF THE TRIAL COURT TO RECUSE HIMSELF, OR OF TRIAL COUNSEL OR THE PROSECUTOR TO MOVE TO RECUSE THE JUDGE REQUIRES A NEW TRIAL.
 - A. THE FACTS DEMONSTRATE ACTUAL BIAS ON THE PART OF THE TRIAL COURT.

Prior to and after trial, Mr. Criddle made gestures and written statements which the trial court interpreted as

threatening the trial court on four separate occasions (R. 34, 375-376).

The first such incident apparently occurred in open court. At the district court arraignment on June 10, 1994, Mr. Criddle pled not guilty, and Judge Brian scheduled a pretrial conference on July 22, 1994, and a jury trial on August 1, 1994 (R. 20). Mr. Criddle did not appear at the pretrial conference, so Judge Brian issued a no-bail bench warrant and struck the trial date (R. 25). A sheriff's deputy arrested Mr. Criddle on the bench warrant on January 20, 1994 (R. 29). At the bench warrant hearing on February 3, 1995, Judge Brian set a jury trial date of March 20, 1995, and ordered Mr. Criddle held in the jail pending the trial (R. 31). Mr. Criddle explained to the judge that he had come to court at the wrong time on the date scheduled and spoken with the Judge's clerk (R. 239). When Judge Brian indicated that he would not consider setting a bail, Mr. Criddle stated, "That's a mistake, your Honor." (R. 240).

The district court file contains a written statement dated February 3, 1995, by Diane Malmberg, District Agent for Adult Probation and Parole, which states,

On February 3, 1994 at approximately 1435 hours before Judge Brian's Court for the Criminal Calendar, defendant Bret Criddle turned to the audience and made hand signals to a middle aged female later identified as the defendant's mother. The hand signals were made with the defendant's right hand. The index finger was pointing straight with his thumb on top & the three remaining fingers rolled toward the palm of his hand. It appeared to simulate a gun shooting. The defendant the pointed to his head and then to Judge Brian. It appeared to be a threat that he wanted to shoot the judge in the head. This agent leaned to the middle

aged female and asked "What does that mean," but she ignored the inquiry.

(R. 32).

A minute entry dated February 7, 1995 provides,

THE DEFENDANT THREATENED JUDGE BRIAN'S LIFE ON FEBRUARY 3, 1995. BASED ON THAT AND THAT DEFENDANT WAS GIVEN A C.D.R. RELEASE, THE COURT ORDERS THAT A NO-BAIL BENCH WARRANT BE ISSUED FOR THE DEFENDANT'S ARREST, RETURNABLE FORTHWITH.

(R. 34).

The three letters that the court considered threats on the court's life (T. 375-376) are difficult to identify, inasmuch as the record contains four letters from Mr. Criddle prior to the court's statement that Mr. Criddle had written three letters threatening the court's life. The first letter accompanied Mr. Steele's motion for Mr. Criddle's release from the jail after Mr. Criddle was arrested on the bench warrant, and stated,

DEAR JUDGE BRIAN,

I LIKE TO APOLOGIZE FOR MY IRRATIONALITY IN COURT FRIDAY THE THIRD. I HAVE A POSITIVE ATTITUDE ABOUT COMING BEFORE YOU AS I AM CONFIDENT OF MY INNOCENCE TO THE OFFENSE I HAVE BEEN CHARGED WITH. WHEN I ENTERED YOUR COURT ROOM I WAS OVERWHELMED WITH AN IMMENSE TENSION I COULDN'T EXPLAIN AND I LOST MY COMPOSURE ALMOST COMPLETELY PLEASE ACCEPT MY SINCERE APOLOGIES FOR ANYTHING GESTURED AND OR SAID BY TIME THAT MAY HAVE SEEMED TO BE ANYTHING BUT A PLEA TO BE HEARD IN IMPARTIALITY. THANK YOU SINCERELY BRET CRIDDLE

(R. 40).

The second letter in the district court file was also apparently written prior to the hearing on Mr. Steele's motion for Mr. Criddle's release, and has two district court date stamps: one indicating that the letter was filed on March 10, 1995, and one indicating that it was filed March 6, 1995 (R. 57).

The letter provides,

Dear Judge Brian,

I am a good person and I am generally right. I am not a threatening person nor am I assaultive. I do however try to stand up for myself in any situation when I am threatened and or assaulted.

I value my freedom "more important that my own life."

I have made an honest mistake in dealing with your court. I appeared at two o'clock P.M. rather than ten o'clock A.M.. I reported to your clerk and was told that I would be given a new trial date and time because I had made contact with your court within twenty four hours of my originally scheduled date and time. I expected notification of the new date and time to be sent to me because it is my case and my life at stake. I didn't receive notification and I did not become concerned because I have been told by many people that the court calendar is back logged for months and that my trial would be quite "some" time in the future.

My Public Defender has told me that he has petitioned the court to have me released until my next trial date, which would give me time to work and continue my endeavor to remain publicly visible in order to maintain my legitimacy as a resident of my neighborhood and the Salt Lake City area so I may travel to and fro freely and unmolested.

An apology from myself was also submitted with my Public Defender's petition to the court, on my behalf. Let me again apologize for anything said or done on my part that was irrational. I felt overwhelmed with stress and threatened the moment I was brought before you. I became frustrated and lost the positive attitude I maintain in the majority of all of my dealings.

It is hard to establish residency in a new area. Especially for a young single male.

I broke my foot badly the first week of December and was away from my apartment for several weeks. More time away does no good.

Although I still experience discomfort from my foot, I have been told that it may be a year or more before I am completely free of pain, I do believe a can continue working for reasonable personal gain. Continued confinement will do no good.

Please, I beg you, in the interest of good, seriously consider the option to allow me to be released until my trial March 20th. Furthermore let me assure you, in the event of my release, I in no way intend to evade or avoid trial or the court system. In honest faith and trust, Sincerely, Bret Criddle.

(R. 57-58).

The next letter from Mr. Criddle was apparently filed after the trial court denied Mr. Criddle's release from the jail. It states,

Dear Judge Brian,

I don't know what reasons or rationale made you decide to continue to hold me but please, I beg of you, consider the preceding to be completely true and please consider it seriously.

A friend (we will refer as One (1)) and myself inspected a medium size trailer that was parked in the parking lot of the apartment complex where, at the time, I had resided at for close to two and a half years. Upon One's (1) suggestion we inspected and found that the trailer had been tagged at least five times with a sticker of the same type stating that the vehicle was improperly parked and it would be towed at the owners expense. The license plate had expired eight months previously. One (1) asked how long it had ben parked there. I told him I didn't know. Then he asked if it could have possibly been there all winter. I told him it was possible. (It was in an area that I frequently pass by and It didn't seem to be a new addition).

We returned to my apartment where One (1), myself, and a friend of mine who had been staying at my place had a few drinks. During the course of the afternoon One (1) and myself had quite a discussion about taking this trailer. He wanted to just go ahead and take it. I told him that we would wait until the following day when I could ask the staff of the apartment complex if the trailer was owned or abandoned and if it would be acceptable to obtain it. That evening my friend who had been staying with me suggested that we go out and get a drink. On the way out of the apartment complex One(1) stopped and locked his truck up to the trailer jumped out and chained it to his bumper. In and throughout the entirety of the time I was with One (1), he made me his company. I felt and believed that I had been rendered almost completely incapable. Although it is something that has happened to me before I could not remove myself from the situation. One(1) was loud and borderline threatening and abusive to me. He was pushy and vague about his intentions. I lacked the mental clarity to get away. Because of contact with him previously I wasn't seriously seeking any further association with him in the future. He wilfully involved anyway. To conclude I did not commit a crime

nor was I certain a crime was being committed. I was incapable of leaving the situation for reasons I couldn't comprehend at the time. I would like the charge against me to be dismissed. I have waited too long to explain the situation. Sincerely, but exhausted, Bret Criddle

(R. 59-60).

The fourth and final letter written by Mr. Criddle prior to the trial court's reference to three letters written by Mr. Criddle's threatening the judge's life is dated July 28, 1995, which states,

DEAR PAT,

BIG PROBLEM. I DIDN'T COMMIT A CRIME. (ON ANY SIDE). YOU CAN'T POSSIBLY TRY TO CONTINUE DOING THE WRONG THING OVER & OVER AGAIN. RIGHT IN FRONT OF ME. YOU KNOW I DIDN'T COMMIT A CRIME AND I KNOW YOU KNOW THAT. YOU ALSO KNOW THERE IS NO GOOD REASON IN THE WORLD TO TAKE MY FREEDOM AWAY. I AM GOING TO HURT, MOST PROBABLY, FOR THE REST OF MY EXISTENCE BECAUSE OF WHAT HAS ALREADY HAPPENED. I'VE BEEN AN UNREASONABLY GOOD SPORT ABOUT THIS WHOLE THING. IT'S WRONG AND IF IT CONTINUES IT ONLY MAKES IT WORSE.

I AM A VERY GOOD, CONTRIBUTIVE, HUMAN BEING AND MEMBER OF HUMANITY. A MAJORITY OF PEOPLE CAN NOT GET AWAY WITH HARMING ONE LIKE ME (OR ME) WITHOUT IRREVOCABLE REPERCUSSIONS. IT'S TIME WE "ALL" MAKE IT BETTER AND REMEDY THIS SITUATION. IT WAS NOT OKAY TO LOCK ME UP TO BEGIN WITH AND YOU KNOW IT. YOU SIMPLY MUST MAKE THE MATTER AS RIGHT AS YOU POSSIBLY CAN IMMEDIATELY. IT'S GONE WAY TOO FAR.

OUR UNIVERSE - GOOD FOR GOOD BAD FOR BAD. I'M GOOD AND SO FAR YOU'VE MADE IT BAD FOR ME.

NO EXCUSES. NO WAY. YOU JUST MAKE IT AS RIGHT AS YOU CAN AND WE CAN ALL WALK.

SINCERELY, BRET CRIDDLE

(R. 174).

While three of these four letters appear to be entirely benign, the record is clear that Judge Brian felt threatened by three of the letters. On August 11, 1995, the trial court continued sentencing on the request of trial counsel so that new

counsel could be appointed (R. 175). At this hearing, Mr. Criddle stated his wish to go free immediately, but Judge Brian set the case over for sentencing on September 1, 1995 (R. 375). Judge Brian addressed Mr. Criddle,

The Court is going to inform you this morning, Mr. Criddle, that every time you send a letter threatening my life, I am going to send it back to the Board of Pardons, and I am going to recommend that they keep you for the maximum period provided by law. This is the third letter that you have sent to me threatening my life. You threatened my life once in open court.

(R. 375-376). When Mr. Criddle denied this, Judge Brian continued,

Just a minute. Every letter that you send to me, I am sending it back in a package to the Board of Pardons, and I am going to recommend that they keep you every day that is provided by law. You will be an old man when you get out of the State Prison. If you have a certain amount of fun and frolic out of threatening my life, you just have at it, because every one of these letters are going to stare you in the face when you appear before the Board of Pardons.

All right. Get him out of here.

(R. 376).

Apparently after Mr. Criddle was taken out of the courtroom, Judge Brian also indicated his intention to send a copy of Mr. Criddle's letter to Judge Stirba, who was to sentence Mr. Criddle on August 28, 1995 (R. 377). The judge then added,

I might tell you right up front, so there is no question about this, this case is going to go back to back to whatever sentence he gets in another court. I have had it with this guy. I don't take lightly his threats. He threatened me in court, and this is the third time by letter. I am going to sock him away as long as the law provides.

(R. 377). The judge then again indicated his intention to send a copy of Mr. Criddle's letter to Judge Stirba, and to write to the

board of pardons "to tell them exactly what we're dealing with."
(R. 378). Then there was a bench conference between trial
counsel, the prosecutor, and the court (R. 378).

The district court file contains a letter dated October 12,
1995, from Judge Brian to the Board of Pardons stating,

Dear Board Members,
Enclosed please find copies of several letters written
by Bret Thomas Criddle during the past several months.
Also, a statement by an agent of Adult Probation and
Parole is enclosed.

I am somewhat fearful of this man. Please notify me of
his release date.

Best wishes to each of you.

Sincerely,
Judge Pat B. Brian
Third Judicial District Court

(R. 217).

Neither trial counsel nor the prosecutor filed a motion to
recuse the judge, and the judge did not recuse himself.

B. THE LAW REQUIRES A NEW TRIAL BECAUSE JUDGE BRIAN SHOULD
HAVE RECUSED HIMSELF.

Utah Rule of Criminal Procedure 29 governs recusal of
judges, and provides,

(a) If, by reason of death, sickness, or other
disability, the judge before whom a trial has begun is
unable to continue with the trial, any other judge of
that court or any judge assigned by the presiding
officer of the Judicial Council, upon certifying that
he has familiarized himself with the record of the
trial, may, unless otherwise disqualified, proceed with
and finish the trial, but if the assigned judge is
satisfied that neither he nor another substitute judge
can proceed with the trial, he may, in his discretion,
grant a new trial.

(b) If, by reason of death, sickness, or other
disability, the judge before whom a defendant has been
tried is unable to perform the duties required of the

court after a verdict of guilty, any other judge of that court or any judge assigned by the presiding officer of the Judicial Council may perform those duties.

(c) If the prosecution or a defendant in any criminal action or proceeding files an affidavit that the judge before whom the action or proceeding is to be tried or heard has a bias or prejudice, either against the party or his attorney or in favor of any opposing party to the suit, the judge shall proceed no further until the challenge is disposed of. Every affidavit shall state the facts and the reasons for the belief that the bias or prejudice exists and shall be filed as soon as practicable after the case has been assigned or the bias or prejudice is known. No affidavit may be filed unless accompanied by a certificate of counsel of record that the affidavit and application are made in good faith.

(d) If the challenged judge questions the sufficiency of the allegation of disqualification, he shall enter an order directing that a copy be forthwith certified to another named judge of the same court or of a court of like jurisdiction, which judge shall then pass upon the legal sufficiency of the allegations. If the challenged judge does not question the legal sufficiency of the affidavit, or if the judge to whom the affidavit is certified finds that it is legally sufficient, another judge shall be called to try the case or to conduct the proceeding. If the judge to whom the affidavit is certified does not find the affidavit to be legally sufficient, he shall enter a finding to that effect and the challenged judge shall proceed with the case or proceeding.

(e) (I) If the prosecution or a defendant in a criminal action believes that a fair and impartial trial cannot be had in the jurisdiction where the action is pending, either may, by motion, supported by an affidavit setting forth facts, ask to have the trial of the case transferred to another jurisdiction.

(ii) If the court is satisfied that the representations made in the affidavit are true and justify transfer of the case, the court shall enter an order for the removal of the case to the court of another jurisdiction free from the objection and all records pertaining to the case shall be transferred forthwith to the court in the other county. If the court is not satisfied that the representations so made justify transfer of the case, the court shall either enter an order denying the transfer or order a formal hearing in court to resolve the matter and receive further evidence with respect to the alleged prejudice.

(f) When a change of judge or place of trial is

ordered all documents of record concerning the case shall be transferred without delay to the judge who shall hear the case.

Under well established Utah law, a trial judge has a duty to recuse himself if his impartiality might reasonably be questioned, even in cases where no actual bias is shown. State v. Neeley, 748 P.2d 1091, 10993-95 (Utah), cert. denied, 487 U.S. 1220 (1988); State v. Jonas, 793 P.2d 902, 911 (Utah App.), cert. denied, 804 P.2d 1232 (Utah 1990); State v. Humphrey, 793 P.2d 918, 925-26 (Utah App. 1990). Under this law, reversal is required if Rule 29 is not complied with, if there is a showing of an abuse of discretion, or a showing of actual bias. Id.

A judge is biased if he has "a hostile feeling or spirit of ill will toward one of the litigants, or undue friendship or favoritism toward one," or has "some active personal hostility toward the defendant." Haslam v. Morrison, 190 P.2d 520, 523 (Utah 1948) (citations omitted). See also Black's Law Dictionary, ("Actual bias consists in the existence of a state of mind on the part of the juror which satisfies the court, in the exercise of a sound discretion, that the juror cannot try the issues impartially and without prejudice to the substantial rights of the party challenging.").

In the instant case, Judge Brian was actually biased against Mr. Criddle. Regardless of whether Mr. Criddle's action and statements were properly interpreted as threats on the court's life, the fact that Judge Brian felt personally threatened by Mr. Criddle demonstrates actual bias. The minute entry stating that

Mr. Criddle threatened the court's life and issuing a bench warrant prior to trial demonstrates actual bias (R. 34). The fact that Judge Brian, prior to conducting a sentencing hearing, wherein the court was to impartially weigh all pertinent evidence prior to sentencing Mr. Criddle, promised in open court to do virtually everything in his power in Judge Brian's court, in Judge Stirba's court, and with the board of pardons, to see to it that Mr. Criddle did maximum time (R. 375-378), demonstrates that the judge was not functioning with the requisite impartiality.

Under rule 29 and Utah case law, Judge Brian should have recused himself because he was actually biased, and his failure to do so constitutes an abuse of discretion and reversible error. See e.g. Neeley; Haslam, supra. Compare Kleinert v. Kimball Elevator Co., 905 P.2d 297 (Utah App. 1995) (declining to address recusal issue raised for first time on appeal), with Regional Sales Agency v. Reichert, 830 P.2d 252 (Utah 1992) (majority indicates that recusal is trial court's responsibility, not counsel's).

In the event that this Court does not reverse this case on the basis of Judge Brian's failure to recuse himself, this Court should reverse the case on the basis of the prosecutor's and trial counsel's failure to move to recuse the judge. As officers of the court empowered to move to recuse the trial court, the prosecutor and trial counsel should have moved to recuse the judge, who was obviously not operating with the requisite degree of impartiality. See Utah R.Crim.Pr. 29.

While trial counsel did not raise the judge's partiality, the plain error doctrines and ineffective assistance of counsel doctrines provide a means of addressing the error on appeal. See e.g. State v. Verde, 770 P.2d 116 (Utah 1989) (discussing showings which must be made under plain error and ineffective assistance of counsel doctrines). Given Judge Brian's obvious hostility toward Mr. Criddle, the need for Judge Brian's recusal should have been obvious to the court and counsel. Given the relative weakness of the State's case against Mr. Criddle, the relatively non-serious nature of the facts proved against Mr. Criddle, and the fact that the sentencing matrix in Mr. Criddle's case recommended probation,¹ there is a reasonable probability that the results in this case, both the verdict and ultimate sentence, would have been different had Judge Brian recused himself.²

¹ The presentence investigator departed from the matrix in recommending probation on the basis of two aggravating factors listed on the "Aggravating and Mitigating Circumstances" sheet appended to the presentence report -- "1. Established instances of repetitive criminal conduct," and "6. There were multiple ... victims."

These factors were improper. Mr. Criddle's criminal history was already accounted for in the calculation of Mr. Criddle's criminal history score underlying his placement on the matrix, and thus should not have been used as a basis for departure from the matrix. See "Aggravating and Mitigating Circumstances" sheet, indicating, "Only use aggravating circumstances if they are not implicit in the conviction offense or the calculation of criminal history score."

The trial of this case demonstrates that there was only one victim.

² In addressing this error, this Court should presume that Mr. Criddle was prejudiced by the trial court's partiality. See e.g. Strickland v. Washington, 466 U.S. 668, 691-692 (1984) (explaining

II. A NEW TRIAL IS REQUIRED BECAUSE MR. CRIDDLE WAS TRIED WHILE HE WAS INCOMPETENT.

A. THE LAW FORBIDS THE TRIAL OF INCOMPETENT PEOPLE.

Due process of law forbids the trial of an incompetent defendant, and requires trial courts to hold competency proceedings if evidence of incompetence arises during the course of proceedings. E.g. State v. Young, 780 P.2d 1233, 1235-38 (Utah 1989). See also Utah Code Ann. § 77-15-1("No person who is incompetent to proceed shall be tried or punished for a public offense.").

Incompetency is defined by Utah Code Ann. § 77-15-2, which provides,

For the purposes of this chapter, a person is incompetent to proceed if he is suffering from a mental disorder or mental retardation resulting either in:

(1) his inability to have a rational and factual understanding of the proceedings against him or of the punishment specified for the offense charged; or

(2) his inability to consult with his counsel and to participate in the proceedings against him with a reasonable degree of rational understanding.

Utah Code Ann. § 77-15-5 further illuminates factors to be considered in the competency equation. It sets forth criteria for competency examiners to consider and address in reporting to the courts in competency proceedings, stating,

circumstances in which prejudice may be presumed). This is so because the judge's partiality constitutes a fundamental flaw in the process, which virtually negated Mr. Criddle's right to effective assistance of counsel, because it is difficult to measure the exact effect that the judge's partiality may have had on the proceedings, because the trial court was bound by rule and case law to prevent the error, and because the prosecutor could easily have avoided the error by following rule 29. See id.

....

(4) The experts shall in the conduct of their examination and in their report to the court consider and address, in addition to any other factors determined to be relevant by the experts:

(a) the defendant's present capacity to:

(I) comprehend and appreciate the charges or allegations against him;

(ii) disclose to counsel pertinent facts, events, and states of mind;

(iii) comprehend and appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against him;

(iv) engage in reasoned choice of legal strategies and options;

(v) understand the adversary nature of the proceedings against him;

(vi) manifest appropriate courtroom behavior; and

(vii) testify relevantly, if applicable;

(b) the impact of the mental disorder, or mental retardation, if any, on the nature and quality of the defendant's relationship with counsel;

(c) if psychoactive medication is currently being administered:

(I) whether the medication is necessary to maintain the defendant's competency; and

(ii) the effect of the medication, if any, on the defendant's demeanor and affect and ability to participate in the proceedings.

....

Utah Code Ann. § 77-15-3 allows for the filing of competency petitions by the defendant, by anyone representing the defendant, by anyone having custody of or supervision over the defendant, or by the prosecutors. Utah Code Ann. § 77-15-4 allows a trial court to raise the issue of competency at any time.

B. THE RECORD DEMONSTRATES THAT MR. CRIDDLE WAS INCOMPETENT.

Mr. Criddle's conduct in court, his progression of letters

to the judge and other judicial and political figures, and the psychological evaluation in Mr. Criddle's 90 day diagnostic report demonstrate that Mr. Criddle should not have been tried because he was incompetent. As discussed below, his paranoid schizotypal mental disorder left him unable to rationally understand the most fundamental rudiments of the criminal process, to make rational choices, or to conduct himself appropriately in the courtroom.

1. Mr. Criddle's Behavior In Court Demonstrates His Incompetency.

Mr. Criddle's behavior in court was extremely bizarre and demonstrated that he did not have a rational understanding of the proceedings against him and did not have the ability to participate in the proceedings in a rational manner.

As previously noted, at the time that Judge Brian initially incarcerated Mr. Criddle on the bench warrant, Mr. Criddle was apparently making gestures to someone in the audience having to do with shooting himself or the judge in the head (R. 32).

On May 5, 1995, after the trial and prior to sentencing, Mr. Criddle appeared in court for a sentencing hearing, which was continued. Prior to the hearing, Mr. Criddle had been released from the jail on a consent decree release and Judge Brian was considering incarcerating Mr. Criddle. After the prosecutor spoke in favor of incarcerating Mr. Criddle, Judge Brian said he would take Mr. Criddle into custody, and Mr. Criddle responded, "That's bullshit." When the judge ordered him taken into

custody, Mr. Criddle stated,

I know that for a fact, because no one can be a worse enemy to me, because I am good. Look, you got me. You know it. I am not trying to get away.

When Judge Brian began to interrupt, Mr. Criddle continued,

But you didn't get me. You weren't good enough.

(T. 5/5/95 at 6). Events then continued,

MR. JONES [the prosecutor]: That's right, we didn't have to fool around with you.

THE DEFENDANT: You didn't, mother fucker.

MR. JONES: Keep it up, Bret. Keep it up.

THE DEFENDANT: Shoot him. I didn't fucking do it. You know it. You know it for a fact.

(T. 5/5/95 at 6).

At the time of sentencing, Mr. Criddle spoke on his own behalf, stating

First, I have always believed in the judicial system of America, and I believe that it is fair. I have never bought into the idea that judges, public defenders, county prosecutors, people that work for the State are unethical, meaning that they would willingly put someone away for a reason that doesn't warrant it, for a crime they did not commit, or they would not put someone away that is not a threat to society, not a threat to other people or themselves.

I did not commit any crime during this event, and I believe your Honor knows that, also. And I don't think it would be worth it to me to exist any longer in a country that would go ahead and kill my innocence, shatter all of my beliefs, that I have believed in all my life. I have been a civil, nonviolent person to everyone I have ever had dealings with, with the exception of grade school and junior high, where I had a couple of fistfights with my peers. When I say a couple, I mean only two.

I have never endeavored to harm other people. I have never blamed others for my problems. I always dealt with them myself. I don't believe that it would be fair or it would be just for any human being to sentence me to doing even one more day of any variety of confinement in any correctional facility or like facility.

Thank you.

(R. 386).

As Judge Brian began pronouncing sentence, Mr. Criddle interrupted him, and Judge Brian threatened to put a gag on him (R. 8). Mr. Criddle responded, "You are lying and you know it, Pat." (R. 8). Judge Brian sentenced Mr. Criddle to prison and said, "Get him out of here," and Mr. Criddle stated, "You should be going to prison, your Honor." (R. 388).

Anyone who witnessed Mr. Criddle's behavior in court, particularly officers of the court, should have recognized evidence of Mr. Criddle's incompetence from Mr. Criddle's behavior in court prior to trial and prior to sentencing.

2. Mr. Criddle's Letters Demonstrate His Incompetency.

Mr. Criddle's progression of letters demonstrates further that Mr. Criddle was not thinking or behaving rationally in regard to the criminal proceedings against him. A full copy of all of his letters in the district court file is included in Appendix 2 to this petition.

For purposes of this issue, this Court should take particular notice of several letters demonstrating that Mr. Criddle viewed the prosecution of his case as the result of some sinister conspiracy between government officials, which prosecution the judge and other judicial and political figures were personally responsible to dismiss at will. For instance, a letter from Mr. Criddle, which was apparently filed in court on August 4, 1995, states as follows:

TO: ALL CITY, COUNTY AND STATE PERSONNEL,
MY NAME IS BRET CRIDDLE. I DIDN'T COMMIT A CRIME

NO WAY NO HOW.

I WAS ARRESTED, CHARGED, POORLY REPRESENTED AND DEFEND, AND TRIED IN FRONT OF A JURY OF PEOPLE WHO WERE NOT MY PEERS NOR EVEN CLOSE TO BEING MY PEERS AND I WAS CONVICTED.

ONCE AGAIN, I DID NOT COMMIT A CRIME AND BOTH OF THE JUDGES PRESIDING, THE HONORABLE PAT BRIAN, 451 SO. 200 E S.L.C. UT. AND THE HONORABLE ANNE STIRBA, 240 E. 400 SO S.L.C. UT. KNOW THAT I DID NOT COMMIT A CRIME. I HAVE FAITH AND DO TRUST THAT THEY WILL BOTH "SEE" THEIR WAY CLEAR AND RELEASE ME AND ALSO OVER TURN THE TWO JURIES' CONVICTIONS.

I'VE LOST A PLACE TO LIVE AND MY FATHER DISOWNED ME BECAUSE OF THIS COMPLETELY, ABOMINABLE, ERROR THAT WE DON'T OR LEAST SHOULDN'T BELIEVE CAN HAPPEN.

IT WILL HURT EVERYONE IF IT IS ALLOWED TO CONTINUE. WHEN YOU GO HOME AT NIGHT GO AHEAD AND PRAY TO WHOEVER OR WHATEVER YOU LIKE BUT MAKE CERTAIN I OR ANY OTHER IS NOT CONFINED FOR A CRIME THEY DIDN'T COMMIT EVER AGAIN. IT WILL HURT THAT'S A PROMISE AND NO PLEASURE WILL HEAL YOU ENOUGH. WHAT IS HAPPENING, AND HAS HAPPENED TO ME, IS CRUEL, IMMORAL, UNETHICAL, AND ILLEGAL. IT HAS TO END IMMEDIATELY.

SINCERELY, BRET CRIDDLE.

(R. 170).

The next letter from Mr. Criddle was filed on August 21, 1995, and states,

TO: THE HONORABLE PAT BRIAN

I'M AFRAID YOU'VE MISUNDERSTOOD. I IN NO WAY INTENDED TO THREATEN YOU OR ANYONE ELSE. I HAVE FAITH THAT GOOD WILL COME TO GOOD AND BAD WILL COME TO BAD. I MEANT TO ALERT AND WARN YOU OF A POTENTIALLY DANGEROUS SITUATION. I AM A VERY GOOD HUMAN BEING. WHAT HAS HAPPENED TO ME IS CRUEL, IMMORAL, UNETHICAL, AND I STILL BELIEVE ILLEGAL (VERY BAD). BEING WHAT I AM, AND I AM BEING TRUTHFUL, I AM SELDOM DENIED, AS AN INFLUENCE, IN A HEALTHY MAJORITY, AND IT IS TRUE, MORE SO, THAT I AM WIDELY ACCEPTED. PEOPLE WILL KNOW WHAT IS AND HAS HAPPENED TO ME IS WRONG. IF I HAD COMMITTED A CRIME I WOULD STILL HAVE TO INTENTIONALLY MAKE PEOPLE BELIEVE THAT IT IS OKAY TO IMPRISON ME. BUT THAT IS NOT THE CASE AND I CAN NOT BELIEVE OR MAKE BELIEVE IT IS OKAY BECAUSE I DID NOT COMMIT A CRIME. I WAS NOT TRIED FAIRLY IN FRONT OF A JURY OF MY PEERS. I SHOULD NOT HAVE BEEN CONVICTED. SOME ONE AND/OR SOMETHING HAS USED THEIR POWER AND/OR THEIR INFLUENCE TO WRONG ME TO MAKE THIS SITUATION TURN OUT NEGATIVELY FOR ME. MY WARNING IS THE SAME THERE WILL BE IRREVOCABLE

PUNISHMENT (REPERCUSSIONS) FOR ANY AND ALL PARTIES INVOLVED IN WRONGFULLY IMPRISONING ME MEANING ANY WHO HAVE BY POWER OR POSITION PLACED ME IN PRISONMENT OR HAVE NOT USED THEIR POWER OR POSITION TO HAVE ME UNIMPPRISONED. ALSO ANY PARTY DOING OR HAS DONE THIS TO OTHERS IS LIKEWISE IN JEOPARDY. I AM NOT, AND DO NOT BELIEVE, MAKING A THREAT. I SIMPLY UNDERSTAND A REASONABLE, FAIR, POSITIVE, WORLD AND IN IT WRONGFUL IMPRISONMENT WILL NOT GO UNPUNISHED!

YOU CAN SHOW THIS LETTER TO ANY ONE YOU LIKE. THERE WILL BE GREAT WRONG IN EXISTENCE AS LONG AS YOU ALLOW ME TO BE IMPRISONED.

I DID NOT COMMIT A CRIME AND I MUST BE VINDICATED IMMEDIATELY. SINCERELY, BRET CRIDDLE

P.S. I PERSONALLY DON'T DISLIKE YOU. OUTSIDE OF THIS SITUATION I WOULD NOT HAVE ANYTHING AGAINST YOU AT ALL. I'M A POSITIVE PERSON AND I DO BELIEVE IN THE BEST OF PEOPLE. THANK YOU FOR YOUR TIME.

SINCERELY, BRET CRIDDLE.

(R. 180-181).

Mr. Criddle's next letter was filed September 1, 1995, and states,

Dear Pat,

If you're reading this the case is probably already disposed of. I hope there are no hard feelings. Either way this thing went I want you to know that I hold nothing personal against you.

I am a good man and I stand by the fact that I didn't commit a crime.

I truly appreciate any more consideration you're had to give my case.

I'm praying that right now I'm somewhere where I can come and go as I choose.

I've fought. And I believe it was right for me to fight for my freedom. I will continue that noble endeavor for the rest of my life.

Have faith in life, love, and all good, all of the positive world all of you're life through.

A brother and a good man through and through,
Sincerely, Bret Thomas Criddle.

(R. 182).

The next letter in the file is file stamped Sept. 1, 1995, and states,

TO WHOM IT MAY CONCERN:

MY NAME IS BRET CRIDDLE, I DO NEED YOUR HELP. I DIDN'T COMMIT THE CRIME I WAS CHARGED FOR AND I AM NOT A CRIMINAL. I WOULD PLEASE LIKE YOU TO INTERVENE ON MY BEHALF. I ALSO WOULD LIKE ANY AND ALL INFORMATION ABOUT ME TO BE RELEASED TO YOU. I HAVE BEEN IN A VERY MENTALLY DISTRESSING SITUATION AND I AM CONCERNED FOR MY HEALTH AND WELL BEING. THANK YOU. SINCERELY, BRET CRIDDLE

(R. 183). Appended to this letter is a nineteen page statement, which appears to be a list of Mr. Criddle's disagreements with the contents of his presentence report, and a letter to the courts, the President of the United States, the F.B.I., the CIA and various other political and/or governmental figures (R. 184-202). This is included in Appendix 2 to this brief along with all of Mr. Criddle's written correspondence.

Anyone who was familiar with Mr. Criddle's correspondence with the court, particularly officers of the court, should have investigated Mr. Criddle's competency prior to trial and prior to sentencing.

3. The 90 Day Diagnostic Report Demonstrates Mr. Criddle's Incompetency.

The diagnostic report submitted for Mr. Criddle's sentencing diagnoses Mr. Criddle with "alcohol abuse, adult antisocial behavior, and schizotypal personality disorder with paranoid features." In discussing Mr. Criddle's behavioral characteristics, the report states,

He is impulsive, self-indulgent, egocentric, immature and irritable. He is often tense and overreacts to even minor sources of stress. Mr. Criddle tends to be suspicious, obsessional, moody, and exhibits a sense of grandiosity. His judgment is poor and he has difficulty expressing emotions without overreacting or over controlling. Mr. Criddle has the potential to act out his conflicts in a physical aggressive manner. He

is uninhibited in risk taking, has a high energy level, and a strong need for stimulation and excitement. Furthermore, he engages in rationalization and blames others for his difficulties.

These diagnoses dovetail with Mr. Criddle's behavior in court and letters and demonstrate that Mr. Criddle was suffering from a "mental disorder" resulting in "his inability to have a rational and factual understanding of the proceedings against him" and "his inability to ... participate in the proceedings against him with a reasonable degree of rational understanding." Utah Code Ann. § 77-15-2.

C. This Court Should Order A New Trial.

As previously noted, due process requires trial courts to initiate competency proceedings whenever evidence of a defendant's incompetency to proceed arises. E.g. State v. Young, supra.

As discussed above, the record in this case is replete with evidence of Mr. Criddle's incompetency. Despite trial counsel's pre-trial indication that a psychologist and psychiatric intake worker of the mental health unit of the jail had examined Mr. Criddle and found that he was not suffering from any mental health problems at that time(R. 38), Mr. Criddle's behavior in court and in writing constitutes evidence of his incompetence, which triggered the trial court's duty to initiate full competency proceedings under Utah and federal law. Young, supra.

It was not until after trial that trial counsel voiced a need to have Mr. Criddle's mental health evaluated. The first sentencing date, May 5, 1995, was continued on the motion of

trial counsel, who explained,

The other thing is -- and this is an inadequacy in what I have done for this man -- there are some things in here that I did not know about. There are some things in here that he should have known about, but did not understand. I would like to have an evaluation, mental health evaluation, performed on Mr. Criddle, and I think this need to be presented to the court.

(T. 5/5/95 at 3). Judge Brian indicated that Mr. Criddle's criminal history was a sufficient basis for sending Mr. Criddle to prison, and Mr. Steele indicated that there were errors in the history (T. 5/5/95 at 3). Mr. Criddle was removed from the courtroom, and then Judge Brian stated,

You need to know that the Court has some very, very strong feelings about this case, and if, in fact, there is some mitigation, because of lack of mental stability or some type of mental or emotional or psychological or psychiatric problem, that should serve as mitigation, the Court would like very responsible people to make that determination, and provide the Court with good information.

(T. 5/5/95 at 7).

While Judge Brian was provided with a psychological evaluation of Mr. Criddle from the 90 Day Diagnostic Evaluation prior to sentencing Mr. Criddle, and while Mr. Fratto argued that there should be some intervention other than prison for Mr. Criddle's problems (R. 382-385), considering the mental health evidence in terms of mitigation was not appropriate, where Mr. Criddle was not competent to be tried and convicted in the first place.

The record demonstrates evidence of Mr. Criddle's incompetency prior to trial. Both Mr. Criddle's behavior in court and his letters to Judge Brian indicate that he was not

perceiving or participating in the criminal proceedings in a rational way.

Assuming that evidence of Mr. Criddle's incompetency did not arise until after the trial, the trial court should have instigated competency proceedings under Young, and trial counsel should have moved to arrest judgment under Utah Rule of Criminal Procedure 23, which provides,

At any time prior to the imposition of sentence, the court upon its own initiative may, or upon motion of a defendant shall, arrest judgment if the facts proved or admitted do not constitute a public offense, or the defendant is mentally ill, or there is other good cause for the arrest of judgment.

Upon arresting judgment the court may, unless a judgment of acquittal of the offense charged is entered or jeopardy has attached, order a commitment until the defendant is charged anew or retried, or may enter any other order as may be just and proper under the circumstances.

Under the plain language of this rule, arrest of judgment is the appropriate step to take when the court or parties realize after judgment but prior to sentence that the defendant was incompetent. See State v. Cantu, 750 P.2d 591, 594-95 (Utah 1988).

It appears that Mr. Criddle's conviction must be reversed under Young, despite the fact that neither trial counsel raised the issue of Mr. Criddle's incompetency because the law placed the duty squarely on the shoulders of the trial court to institute competency proceedings when evidence of competency arises. Id.

In the event that this Court must, the Court may resort again to the doctrines of plain error and ineffective assistance

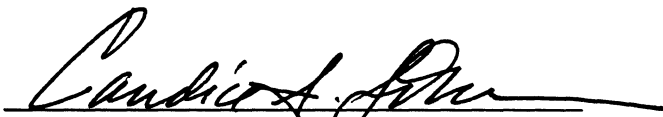
of counsel in correcting the due process violation stemming from the trial of Mr. Criddle while he was incompetent. See Verde, supra, discussing the common showings to be made under the doctrines.

The need to address Mr. Criddle's incompetency should have been plain to both the trial court and trial counsel. There is a reasonable probability of a different result in the absence of the error, for Mr. Criddle may not have been tried and convicted at all, had the proper competency proceedings been followed.³

CONCLUSION

This Court should reverse Mr. Criddle's conviction and remand this case to the trial court for recusal of Judge Brian and the immediate institution of competency proceedings.


Respectfully submitted this 5 day of March, 1996.


Candice A. Johnson
Attorney for Mr. Criddle


³ In addressing this error, this Court should presume that Mr. Criddle was prejudiced by his incompetency. See e.g. Strickland v. Washington, 466 U.S. 668, 691-692 (1984) (explaining circumstances in which prejudice may be presumed). This is so because Mr. Criddle's incompetency constitutes a fundamental flaw in the process, which virtually negated Mr. Criddle's right to effective assistance of counsel, because it is difficult to measure the exact effect that Mr. Criddle's incompetency may have had on the proceedings, because the trial court was bound by constitutional law to prevent the error, and because the prosecutor could easily have avoided the error by filing a competency petition. See id.

CERTIFICATE OF DELIVERY/MAILING

I, Candice A. Johnson, hereby certify that I have caused to be delivered/mailed, postage prepaid, eight copies of the brief, including the original signature copy to the Utah Court of Appeals, and two copies of the brief to Jan Graham, Attorney General for the State of Utah, 160 East 300 South, 6th Floor, Heber Wells Building, Salt Lake City, Utah 84114-0854, this 5 day of March, 1996.


Candice A. Johnson
Attorney for Mr. Criddle

Delivered/mailed, postage prepaid, the foregoing this 5 day of March, 1996.



APPENDIX 1

STATUTES, RULES AND CONSTITUTIONAL PROVISIONS

STATUTES, RULES AND CONSTITUTIONAL PROVISIONS

Constitution of Utah, Article I section 7

No person shall be deprived of life, liberty or property, without due process of law.

Constitution of Utah, Article I section 12

In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to be confronted by the witnesses against him, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself; a wife shall not be compelled to testify against her husband, nor a husband against his wife, nor shall any person be twice put in jeopardy for the same offense.

Where the defendant is otherwise entitled to a preliminary examination, the function of that examination is limited to determining whether probable cause exists unless otherwise provided by statute. Nothing in this constitution shall preclude the use of reliable hearsay evidence as defined by statute or rule in whole or in part at any preliminary examination to determine probable cause or at any pretrial proceeding with respect to release of the defendant if appropriate discovery is allowed as defined by statute or rule.

United States Constitution, Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of counsel for his defence.

United States Constitution, Amendment XIV, section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any States deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Utah Code Ann. § 77-15-1

No person who is incompetent to proceed shall be tried or punished for a public offense.

Utah Code Ann. § 77-15-2

For the purposes of this chapter, a person is incompetent to proceed if he is suffering from a mental disorder or mental retardation resulting either in:

- (1) his inability to have a rational and factual understanding of the proceedings against him or of the punishment specified for the offense charged; or
- (2) his inability to consult with his counsel and to participate in the proceedings against him with a reasonable degree of rational understanding.

Utah Code Ann. § 77-15-3

(1) Whenever a person charged with a public offense or serving a sentence of imprisonment is or becomes incompetent to proceed, as defined in this chapter, a petition may be filed in the district court of the county where the charge is pending or where the person is confined.

(2) (a) The petition shall contain a certificate that it is filed in good faith and on reasonable grounds to believe the defendant is incompetent to proceed. The petition shall contain a recital of the facts, observations, and conversations with the defendant that have formed the basis for the petition. If filed by defense counsel, the petition shall contain such information without invading the lawyer-client privilege.

(b) The petition may be based upon knowledge or information and belief and may be filed by the party alleged incompetent to proceed, any person acting on his behalf, the prosecuting attorney, or any person having custody or supervision over the person.

Utah Code Ann. § 77-15-4

The court in which a charge is pending may raise the issue of the defendant's competency at any time. If raised by the court, counsel for each party shall be permitted to address the issue of competency.

Utah Code Ann. § 77-15-5

(1) When a petition is filed pursuant to § 77-15-3 raising the issue of the defendant's competency to stand trial or when the court raises the issue of the defendant's competency pursuant to § 77-15-4, the court in which proceedings are pending shall stay all proceedings. If the proceedings are in a court other than the district court in which the petition is filed, the district court shall notify that court of the filing of the petition. The district court in which the petition is filed shall pass upon the sufficiency of the allegations of incompetency. If a petition is opposed by either party, the court shall, prior to granting or denying the petition, hold a limited hearing solely for the purpose of determining the sufficiency of the petition. If the court finds that the allegations of incompetency raise a bona fide doubt as to the defendant's competency to stand trial, it shall enter an order for a hearing on the mental condition of the person who is the subject of the petition.

(2) (a) After the granting of a petition and prior to a full competency hearing, the court may order the Department of Human Services to examine the person and to report to the court concerning the defendant's mental condition.

(b) The defendant shall be examined by at least two mental health experts not involved in the current treatment of the defendant.

(c) If the issue is sufficiently raised in the petition or if it becomes apparent that the defendant may be incompetent due to mental retardation, at least one expert experienced in mental retardation assessment shall evaluate the defendant. Upon appointment of the experts, the petitioner or other party as directed by the court shall provide information and materials to the examiners relevant to a determination of the defendant's competency and shall provide copies of the charging document, arrest or incident reports pertaining to the charged offense, known criminal history information, and known prior mental health evaluations and treatments.

(d) The court may make the necessary orders to provide the information listed in Subsection (c) to the examiners.

(3) During the examination under Subsection (2), unless the court or the executive director of the department directs otherwise, the defendant shall be retained in the same custody or status he was in at the time the examination was ordered.

(4) The experts shall in the conduct of their examination and in their report to the court consider and address, in addition to any other factors determined to be relevant by the experts:

(a) the defendant's present capacity to:

(i) comprehend and appreciate the charges or allegations against him;

(ii) disclose to counsel pertinent facts, events, and states of mind;

(iii) comprehend and appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against him;

(iv) engage in reasoned choice of legal strategies and options;

(v) understand the adversary nature of the proceedings against him;

(vi) manifest appropriate courtroom behavior; and

(vii) testify relevantly, if applicable;

(b) the impact of the mental disorder, or mental retardation, if any, on the nature and quality of the defendant's relationship with counsel;

(c) if psychoactive medication is currently being administered:

(i) whether the medication is necessary to maintain the defendant's competency; and

(ii) the effect of the medication, if any, on the defendant's demeanor and affect and ability to participate in the proceedings.

(5) If the expert's opinion is that the defendant is incompetent to proceed, the expert shall indicate in the report:

(a) which of the above factors contributes to the defendant's incompetency;

(b) the nature of the defendant's mental disorder or mental retardation and its relationship to the factors contributing to the defendant's incompetency;

(c) the treatment or treatments appropriate and available; and

(d) the defendant's capacity to give informed consent to treatment to restore competency.

(6) The experts examining the defendant shall provide an initial report to the court and the prosecuting and defense attorneys within 30 days of the receipt of the court's order. The report shall inform the court of the examiner's opinion concerning the

competency of the defendant to stand trial, or, in the alternative, the examiner may inform the court in writing that additional time is needed to complete the report. If the examiner informs the court that additional time is needed, the examiner shall have up to an additional 30 days to provide the report to the court and counsel. The examiner must provide the report within 60 days from the receipt of the court's order unless, for good cause shown, the court authorizes an additional period of time to complete the examination and provide the report.

(7) Any written report submitted by the experts shall:

(a) identify the specific matters referred for evaluation;

(b) describe the procedures, techniques, and tests used in the examination and the purpose or purposes for each;

(c) state the expert's clinical observations, findings, and opinions on each issue referred for examination by the court, and indicate specifically those issues, if any, on which the expert could not give an opinion; and

(d) identify the sources of information used by the expert and present the basis for the expert's clinical findings and opinions.

(8) (a) Any statement made by the defendant in the course of any competency examination, whether the examination is with or without the consent of the defendant, any testimony by the expert based upon such statement, and any other fruits of the statement may not be admitted in evidence against the defendant in any criminal proceeding except on an issue respecting mental condition on which the defendant has introduced evidence. The evidence may be admitted, however, where relevant to a determination of the defendant's competency.

(b) Prior to examining the defendant, examiners should specifically advise the defendant of the limits of confidentiality as provided under this subsection.

(9) When the report is received the court shall set a date for a mental hearing which shall be held in not less than five and not more than 15 days, unless the court enlarges the time for good cause. The hearing shall be conducted according to the procedures outlined in Subsections 62A-12-234(9)(b) through (9)(f). Any person or organization directed by the department to conduct the examination may be subpoenaed to testify at the hearing. If the experts are in conflict as to the competency of the defendant, all experts should be called to testify at the hearing if reasonably available. The court may call any examiner to testify at the hearing who is not called by the parties. If the

court calls an examiner, counsel for the parties may cross-examine the expert.

(10) A person shall be presumed competent unless the court, by a preponderance of the evidence, finds the person incompetent to proceed. The burden of proof is upon the proponent of incompetency at the hearing. An adjudication of incompetency to proceed shall not operate as an adjudication of incompetency to give informed consent for medical treatment or for any other purpose, unless specifically set forth in the court order.

(11) (a) If the court finds the defendant incompetent to stand trial, its order shall contain findings addressing each of the factors in Subsections 77-15-5(4)(a) and (b). The order issued pursuant to Subsection 77-15-6(1) which the court sends to the facility where the defendant is committed or to the person who is responsible for assessing his progress toward competency shall be provided contemporaneously with the transportation and commitment order of the defendant, unless exigent circumstances require earlier commitment in which case the court shall forward the order within five working days of the order of transportation and commitment of the defendant.

(b) The order finding the defendant incompetent to stand trial shall be accompanied by:

(i) copies of the reports of the experts filed with the court pursuant to the order of examination if not provided previously;

(ii) copies of any of the psychiatric, psychological, or social work reports submitted to the court relative to the mental condition of the defendant;

(iii) any other documents made available to the court by either the defense or the prosecution, pertaining to the defendant's current or past mental condition.

(12) If the court finds it necessary to order the defendant transported prior to the completion of findings and compilation of documents required under Subsection (11), the transportation and commitment order delivering the defendant to the Utah State Hospital, or other mental health facility as directed by the executive director of the Department of Human Services or his designee, shall indicate that the defendant's commitment is based upon a finding of incompetency, and the mental health facility's copy of the order shall be accompanied by the reports of any experts filed with the court pursuant to the order of examination. The executive director of the Department of Human Services or his designee may refuse to accept a defendant as a patient unless he is accompanied by a transportation and commitment order which is accompanied by the reports.

(13) Upon a finding of incompetency to stand trial by the court, the prosecuting and defense attorneys shall provide information and materials relevant to the defendant's competency to the facility where the defendant is committed or to the person responsible for assessing his progress towards competency. In addition to any other materials, the prosecuting attorney shall provide:

(a) copies of the charging document and supporting affidavits or other documents used in the determination of probable cause;

(b) arrest or incident reports prepared by a law enforcement agency pertaining to the charged offense;

(c) information concerning the defendant's known criminal history.

(14) The court may make any reasonable order to insure compliance with this section.

(15) Failure to comply with this section shall not result in the dismissal of criminal charges.

Utah Rule of Criminal Procedure 23

At any time prior to the imposition of sentence, the court upon its own initiative may, or upon motion of a defendant shall, arrest judgment if the facts proved or admitted do not constitute a public offense, or the defendant is mentally ill, or there is other good cause for the arrest of judgment.

Upon arresting judgment the court may, unless a judgment of acquittal of the offense charged is entered or jeopardy has attached, order a commitment until the defendant is charged anew or retried, or may enter any other order as may be just and proper under the circumstances.

Utah Rule of Criminal Procedure 29

(a) If, by reason of death, sickness, or other disability, the judge before whom a trial has begun is unable to continue with the trial, any other judge of that court or any judge assigned by the presiding officer of the Judicial Council, upon certifying that he has familiarized himself with the record of the trial, may, unless otherwise disqualified, proceed with and finish the trial, but if the assigned judge is satisfied that neither he nor another substitute judge can proceed with the trial, he may, in his discretion, grant a new trial.

(b) If, by reason of death, sickness, or other disability, the judge before whom a defendant has been tried is unable to perform the duties required of the court after a verdict of guilty, any other judge of that court or any judge assigned by the presiding

officer of the Judicial Council may perform those duties.

(c) If the prosecution or a defendant in any criminal action or proceeding files an affidavit that the judge before whom the action or proceeding is to be tried or heard has a bias or prejudice, either against the party or his attorney or in favor of any opposing party to the suit, the judge shall proceed no further until the challenge is disposed of. Every affidavit shall state the facts and the reasons for the belief that the bias or prejudice exists and shall be filed as soon as practicable after the case has been assigned or the bias or prejudice is known. No affidavit may be filed unless accompanied by a certificate of counsel of record that the affidavit and application are made in good faith.

(d) If the challenged judge questions the sufficiency of the allegation of disqualification, he shall enter an order directing that a copy be forthwith certified to another named judge of the same court or of a court of like jurisdiction, which judge shall then pass upon the legal sufficiency of the allegations. If the challenged judge does not question the legal sufficiency of the affidavit, or if the judge to whom the affidavit is certified finds that it is legally sufficient, another judge shall be called to try the case or to conduct the proceeding. If the judge to whom the affidavit is certified does not find the affidavit to be legally sufficient, he shall enter a finding to that effect and the challenged judge shall proceed with the case or proceeding.

(e) (i) If the prosecution or a defendant in a criminal action believes that a fair and impartial trial cannot be had in the jurisdiction where the action is pending, either may, by motion, supported by an affidavit setting forth facts, ask to have the trial of the case transferred to another jurisdiction.

(ii) If the court is satisfied that the representations made in the affidavit are true and justify transfer of the case, the court shall enter an order for the removal of the case to the court of another jurisdiction free from the objection and all records pertaining to the case shall be transferred forthwith to the court in the other county. If the court is not satisfied that the representations so made justify transfer of the case, the court shall either enter an order denying the transfer or order a formal hearing in court to resolve the matter and receive further evidence with respect to the alleged prejudice.

(f) When a change of judge or place of trial is ordered all documents of record concerning the case shall be transferred without delay to the judge who shall hear the case.

APPENDIX 2

MR. CRIDDLE'S CORRESPONDENCE

— the Judge / man

MAR 10 1995

I am a good person and I am ~~not~~ ^{not} ~~at all~~ ^{not at all} violent. I am
not a threatening person nor ^{'85 MAR 26 PM 2 10 14} aggressive. I
however try to stand up for myself in any
situation when I am threatened and or assaulted
I value my freedom "more important than my
my life."

I have made an honest mistake in dealing with your court. I appeared at two o'clock P.M. rather than ten o'clock A.M. I reported your clerk and was told that I would be given a new trial date and time because I had made conflict with your court within twenty four hours of my originally scheduled date and time. I expected notification of the new date and time to be sent to me because it is my case and my life at stake. I didn't receive notification and I did not become concerned because I have been told by many people that the court calendar is back logged for months and that my trial would be ^{quite} some time in the future.

My Public Defender has told me that he has petitioned the court to have me released until my next trial date, which would give me time

travel to and fro freely and unmolested.

An apology from myself was also submitted with my Public Defenders petition to the court on my behalf. Let me again apologize for anything said or done on my part that was irrational. I felt overwhelmed with stress and threatened the moment I was brought before you. I became frustrated and lost the positive attitude I maintain in the majority of all of my dealings.

It is hard to establish residency in a new area. Especially for a young single male.

I broke my foot badly the first week of December and was away from my apartment several weeks. More time away does no good.

Although I still experience discomfort from my foot, I have been told that it may be a year or more before I am completely free of pain, I do believe I can continue working for a reasonable personal gain. Continued confinement will do no good.

Please, I beg you, in the interest of good, seriously consider the option to allow me to be released until my trial March 20th. Furthermore I assure you, in event of my release, I in no way intend to avoid trial or the Court System.

I don't know what reasons or rationale made ^{you} ~~you~~ decide to continue to hold me, but please, I beg of you, consider the preceding to be completely true and please consider it seriously.

A friend (we will term as One^①) and myself inspected a medium size trailer that was parked in the parking lot of the apartment complex where, at the time, I had resided at for close to two and a half years. Upon One's suggestion we inspected and found that the trailer had been tagged at least five times with a sticker of the same type stating that the trailer was improperly parked and it would be removed at the owners expense. The license plate had expired eight months previously. One asked how long it had been parked there. I told him I didn't know. Then he asked if it could have possibly been there all winter. I told him it was possible. I was in an area that I frequently pass by and it did seem to be a new addition).

We returned to my apartment where One, my friend and a friend of mine who had been staying at my place had a few drinks. During the course of the afternoon One and myself had quite a discussion about this trailer. He wanted to just go ahead and make it. I told him that we would wait until

abandoned and if it would be acceptable
obtain it. That evening my friend who
was staying with me suggested that we go out and
to a drink. On the way out of the apart-
ment One stopped and hooked his trailer
to the trailer jumped out and chained it
to his bumper. In and throughout the entire
time I was with One, he made me feel
inferior. I felt and believed that I had
been rendered almost completely incapable
although it is something that has happened
to me before I could not remove myself
from the situation. One was loud and hostile
in threatening and abusive to me. He
was pushy and vague about his intention.
I lacked the mental clarity to get away
because of contact with him previously
I wasn't seriously seeking any further
association with him in the future. He
willfully involved me anyway. To conclude I
did not commit a crime nor was a certain
crime being committed. I was incapable
leaving the situation for reasons I couldn't com-
prehend at the time. I would like the charge.

JUL 28 1995

DEAR PAT,

941900161

SALT LAKE COUNTY
By Ally Liddell
Deputy Clerk

BIG PROBLEM. I DIDN'T COMMIT A CRIME. (ON THE OTHER SIDE). YOU CAN'T POSSIBLY TRY TO CONTINUE DOING THE WRONG THING OVER & OVER SAILING RIGHT IN FRONT OF ME. YOU KNOW I DIDN'T COMMIT A CRIME AND I KNOW YOU KNOW THAT. YOU ALSO KNOW THERE IS NO GOOD REASON IN THE WORLD TO TAKE FREEDOM AWAY. I AM GOING TO HURT, MOST PROBABLY, FOR THE REST OF MY EXISTENCE BECAUSE OF WHAT HAS ALREADY HAPPENED. I'VE BEEN AN UNREASONABLY GOOD SPORT ABOUT THIS WHOLE THING. IT'S WRONG AND IF IT CONTINUES IT ONLY MAKES IT WORSE.

I AM A VERY GOOD, CONTRIBUTIVE, HUMAN BEING AND MEMBER OF HUMANITY. A MAJORITY OF PEOPLE CAN NOT GET AWAY WITH HARMING ONE LIKE ME (OR ME) WITHOUT IRREVOCABLE REPERCUSSIONS. IT'S TIME WE "ALL" MAKE IT BETTER AND REMEDY THIS SITUATION. IT WAS NOT OKAY TO LOCK ME UP TO BEGIN WITH AND YOU KNOW IT. YOU SIMPLY MUST MAKE THE MATTER AS RIGHT AS YOU POSSIBLY CAN IMMEDIATELY. IT'S GONE WAY WAY TOO FAR.

OUR UNIVERSE - GOOD FOR GOOD BAD FOR BAD. I'M GOOD AND SO FAR YOU'VE MADE IT BAD FOR ME.

NO EXCUSES. NO WAY. YOU JUST MAKE IT AS RIGHT AS YOU CAN AND WE CAN ALL WALK.

SINCERELY Budd Liddell
BRET CRIMME

000174

Prison

TO: ALL CITY, COUNTY, AND STATE PERSONALE,
MY NAME IS BRET CRIDDLE. I DIDN'T COMMIT A CRIME NO
1Y, NO HOW.

I WAS ARRESTED, CHARGED, POORLY REPRESENTED AND DEFENDED, AND
ED INFRONT OF A JURY OF PEOPLE WHO WERE NOT MY PEERS NOR
EN CLOSE TO BEING MY PEERS AND I WAS CONVICTED.

ONCE AGAIN, I DID NOT COMMIT A CRIME AND BOTH OF THE
JGES PRESIDING, THE HONORABLE PAT BRIAN, 401 S. 400 E.
. C. UT. AND THE HONORABLE ANNE STIRBA, 401 S. 400 E.
. C. UT. KNOW THAT I DID NOT COMMIT A CRIME. I HAVE
TH AND DO TRUST THAT THEY WILL BOTH "SEE" THEIR WAY
AR AND RELEASE ME AND ALSO OVER TURN THE TWO JURIES'
IVICTIONS.

I'VE LOST A PLACE TO LIVE AND MY FATHER DISOWNED ME
AUSE OF THIS COMPLETELY, A BONIMABLE, ERROR THAT WO
I'T OR LEAST SHOULDN'T BECEIVE CAN HAPPEN.

IT WILL HURT EVERYONE IF IT IS ALLOWED TO CONTINUE. WHEN
GO HOME AT NIGHT GO AHEAD AND PRAY TO WHOEVER OR WHATEVER
LIKE BUT MAKE CERTAIN I OR ANY OTHER IS NOT CONFINED FOR
TIME THEY DIDN'T COMMIT EVER AGAIN. IT WILL HURT THAT'S
OMISE AND NO PLEASURE WILL HEAL YOU ENOUGH. WHAT IS HAPPENING,
HAS HAPPENED TO ME, IS CRUEL, IMMORAC, UNETHICAL, AND
GAL. IT HAS TO END IMMEDIATELY.

SINCERELY *Bret Criddle*
BRET CRIDDLE

(five)

FILED DISTRICT COURT
Third Judicial District

941900761

AUG 21 1995

SALT LAKE COUNTY

By B. Adams Deputy Clerk

THE HONORABLE PAT BRIAN

I'M AFRAID YOU'VE MISUNDERSTOOD. I IN NO WAY INTENDED TO THREAT-
YOU OR ANYONE ELSE. I HAVE FAITH THAT GOOD WILL COME TO GOOD AND
WILL COME TO BAD. I MEANT TO ALERT AND WARN YOU ^{OF A} POTENTIALLY
SERIOUS SITUATION. I AM A VERY GOOD HUMAN BEING. WHAT HAS HAPPENED
TO ME IS CRUEL, IMMORAL, UNETHICAL, AND I STILL BELIEVE ^(VERY BAD) ILLEGAL. BEING WHAT
I AM, AND I AM BEING TRUTHFUL, I AM SELDOM DENIED, AS AN INFLUENCE, IN A
WHY MAJORITY, AND IT IS TRUE, MORE SO, THAT I AM WIDELY ACCEPTED. PEOPLE
KNOW WHAT IS AND HAS HAPPENED TO ME IS WRONG. IF I HAD COMMITTED
CRIME I WOULD STILL HAVE TO INTENTIONALLY MAKE PEOPLE BELIEVE THAT IT
OKAY TO IMPRISON ME. BUT THAT IS NOT THE CASE AND I CAN NOT
LIE OR MAKE BELIEVE IT IS OKAY BECAUSE I DID NOT COMMIT A CRIME.
I WAS NOT TRIED FAIRLY IN FRONT OF A JURY OF MY PEERS. I SHOULD NOT
HAVE BEEN CONVICTED. SOMEONE AND/OR SOMETHING HAS USED THEIR ^{POWER} AND/OR
INFLUENCE TO WRONG ME TO MAKE THIS SITUATION TURN OUT NEG-
ATIVELY FOR ME. MY WARNING IS THE SAME THERE WILL BE IRREVOCABLE
DAMNATION (REPERCUSSIONS) FOR ANY AND ALL PARTIES INVOLVED IN WRONGFULLY
IMPRISONING ME MEANING ANY WHO HAVE BY POWER OR POSITION PLACED ME
IN PRISON OR HAVE NOT USED THEIR POWER OR POSITION TO HAVE ME
IMPRISONED. ALSO ANY PARTY DOING OR ^{WHO} HAS DONE THIS TO OTHERS IS
ALSO IN JEOPARDY. I AM NOT, AND DO NOT BELIEVE, MAKING A
HEAT. I SIMPLY UNDERSTAND A REASONABLE, FAIR, POSITIVE, WORLD AND
IT WRONGFULLY IMPRISONMENT WILL NOT GO UNPUNISHED!

YOU CAN SHOW THIS LETTER TO ANYONE YOU LIKE. THERE WILL BE GREAT
WELL IN EXISTENCE AS LONG AS YOU ALLOW ME TO BE IMPRISONED.

I DID NOT COMMIT A CRIME AND I MUST BE INDICATED IM-
MEDIATELY. SINCERELY P. Middle

AC

' I PERSONALLY DON'T DISLIKE
' OUTSIDE OF THIS SITUATION
WOULD NOT HAVE ANYTHING AGAINST
' AT ALL. I'M A POSITIVE PERSON
' I DO BELIEVE IN THE BEST OF
PEOPLE. THANK YOU FOR YOUR TIME.

STACELY ~~NE~~ ~~BRIDGES~~
BRET CRADLE

SEP 1 1995

Becki Adams

Deputy Clerk

Dear Pat,

If you're reading this the case is probably already disposed of. I hope there are no hard feelings. Either way this thing went I want you to know that I hold nothing personal against you.

I am a good man and I stand by the fact that I didn't commit a crime.

I truly appreciate any more consideration you've had to give my case.

I'm praying that right now I'm some where where I can come and go as I choose.

I've fought. And I believe it was right for me to fight for my freedom. I will continue that noble endeavor for the rest of my life.

Have faith in life, love, and all good, all of the positive world all of your life through.

A brother and a good man through and through,

Sincerely,

Bret Thomas Criddle

BRET THOMAS CRIDDLE

SEP 1 1995

TO WHOM IT MAY CONCERN:

MY NAME IS BRET CRIDDLE, I DO NEED YOUR HELP. I DIDN'T
COMMIT THE CRIME I WAS CHARGED FOR AND I AM NOT A CRIMINAL. I
WOULD PLEASE LIKE YOU TO INTERVENE ON MY BEHALF. I ALSO WOULD
LIKE ANY AND ALL INFORMATION ABOUT ME TO BE RELEASED TO YOU.
I HAVE BEEN IN A VERY MENTALLY DISTRESSING SITUATION AND I AM
CONCERNED FOR MY HEALTH AND WELL BEING.

THANK YOU.

Sincerely,

BRET CRIDDLE

Becki Adams
Deputy Clerk

BECAUSE I AM IN DISAGREEMENT WITH SOME OF THE FINDINGS IN MY PRESENTENCE REPORT AND SOME OF THE THINGS THAT ARE IMPLIED BY IT. THIS IS A BRIEF BUT ACCURATE EXPLANATION OF MY PRIOR RECORD.

1. TRAFFIC 5-17-83 OPERATING AN OF ROAD VEHICLE (MOTOR CYCLE) ON A PUBLIC ROAD. FINED.
2. ALCOHOL 4-11-85 AT A SPRING PARTY DURING SCHOOL HOURS THE VICE PRINCIPAL CAME TO THE FRONT
3. DOOR. WE ALL FLED. LATER WE WERE APPREHENDED BY THE POLICE. WORK HOURS ORDERED.
4. TRAFFIC 9-11-85 ATTEMPTING TO MAKE A U TURN ON A RAINY DAY I HIT ANOTHER VEHICLE. I PANICKED AND
5. FLED. I LOST MY DRIVING PRIVILEGE FOR SIX MONTHS. AND FINED.
6. TRUANCY 11-7-85 SIXTEEN AND MOBILE. 3-4-86 FINED. 3-24-86 FINE DISMISSED.
7. TRAFFIC 3-20-86 SPEEDING LATE FOR WORK. CITED FOR 85 M.P.H. IN A 55 M.P.H. ZONE.
8. OPEN CONTAINER/DRINKING IN A VEHICLE. 4-16-86 DRINKING A BEER WITH A FRIEND. COUNSELING
9. ORDERED. 7-3-86 FINED.
10. ALCOHOL/DRUG PARAPHERNALIA 5-3-86 ON THE WAY TO BOW HUNT FISH, (CARP), I AND TWO OTHERS
11. WERE PULLED OVER AND TAKEN IN. WE HAD ALL BEEN DRINKING AND I HAD A MARIJUANA PIPE IN MY
12. POSSESSION. COUNSELING AND WORK HOURS ORDERED.
13. ALCOHOL 1-6-87 I AND A FRIEND SLID OFF A SNOWY ROAD. WE HAD BEEN DRINKING. ON THE WAY TO
14. CALL A TOW TRUCK WE WERE STOPPED, QUESTIONED AND TAKEN IN FOR DRINKING UNDER AGE. FINED
15. AND COUNSELING ORDERED 3-1-87 COUNSELING REORDERED. 4-9-87 COUNSELING RE-RE-ORDERED.
16. CRIMINAL ACT-ARMED ROBBERY FIRST DEGREE FELONY. 4-13-87 I WENT INTO A GAS STATION WITH
17. A GUN AND TOLD THEM TO GIVE ME THE MONEY. BEFORE THEY GAVE ME THE MONEY I PANICKED, SAID
18. "APRIL FOOLS", AND WALKED AWAY. 4-22-87 I RETURNED TO THE SAME GAS STATION, THIS TIME
19. I TAKE THE MONEY AND I AM APPREHENDED A BLOCK AWAY. I SPENT NINETY DAYS IN AN OBSERVATION
20. AND ASSESSMENT YOUTH CORRECTION FACILITY. I WAS PLACED ON PROBATION AFTER.
21. ALCOHOL 7-20-89 I RAN AWAY FROM AN APPROACHING POLICE CAR. I WAS INTOXICATED AND I WAS
22. PLACED IN JAIL FOR FOURTEEN DAYS. 166 OR 180 DAYS IN JAIL SUSPENDED. \$500.00 DOLLARS FINE PAID.
23. COUNSELING ORDERED AND HAD TO TAKE ANTABUSE.
24. TRAFFIC & OTHER WARRANT. 9-26-90 I, DRUNK, NAKED, WITH THE DOOR TO MY APARTMENT

1. OPEN, HAD MUSIC TOO LOUD. THE POLICE CAME TO TELL ME TO KEEP IT DOWN. I HAD TWO OUT
2. STANDING WARRANTS - ONE FOR RUNNING A RED LIGHT AND THE OTHER FOR SELLING PERFUME
3. WITHOUT A LICENSE. I SPENT THREE DAYS IN JAIL. NINETY DAYS SUSPENDED SENTENCE.
4. PLACED ON PROBATION. PAID ONE HUNDRED AND TWENTY FIVE DOLLAR FINE FOR
5. A TRAFFIC TICKET (WHICH WAS FROM AN ACCIDENT BUT HAD NOTHING TO DO WITH A PEDESTRIAN)
6. AND THE OTHER WARRANT WAS DISMISSED.
7. TRAFFIC WARRANT. 3-14-91 STOPPED BY CAMPUS POLICE FOR A STUNT WHILE TRYING TO GET
8. A RIDE HOME FROM THE U. OF U. I WAS TAKEN IN FOR TWO OUTSTANDING TRAFFIC TICKETS.
9. I SPENT SIX DAYS IN SALT LAKE COUNTY JAIL AND ONE NIGHT IN DAVIS COUNTY JAIL. FINED.
10. POLICE ERROR ALCOHOL. 4-28-91 TWO OFFICERS APPROACHED ME IN THE DOORWAY OF MY APARTMENT.
11. I HAD HEARD THEIR WALKI TALKI AND HAD LOOKED OUT TO SEE WHAT WAS THE MATTER.
12. THEY ASKED ME "WHO HAS THE CHAIN?" ?!? I TOLD THEM I DIDN'T KNOW. THEY STARTED TOWARDS
13. MY NEIGHBORS DOOR ACROSS THE HALL. IT WAS IN BETWEEN ONE THIRTY AND TWO O'CLOCK IN THE
14. MORNING. I TOLD HIM THE PEOPLE AROUND HERE ARE ASLEEP SO DON'T START KNOCKING ON
15. DOORS. THEY TURNED AROUND AND BEGAN ENTERING MY APARTMENT WITHOUT ASKING. I SAID,
16. "YOU CAN'T JUST WALK..." I AWOKE ON THE FLOOR OF MY ENTRYWAY IN HANDCUFFS AND
17. IN PAIN. I WAS TAKEN IN AND RELEASED. FINED \$50.00 PAID.
18. COMMITTED. 6-24-91 I WAS PLACED IN SALT LAKE COUNTY JAIL FOR NINETY DAYS. BEFORE
19. THE ORDER TO SHOW CAUSE HEARING MY PROBATION OFFICER SAID I WOULD ONLY SPEND TEN
20. DAYS IN JAIL.
21. THEFT. 11-2-91 I WAS COMPELLED TO CROSS-DRESS (WHICH WAS SOMETHING I HADN'T BEEN COMPELLED
22. TO DO FOR QUITE SOMETIME) IN A DRUNKEN STUPOR I TRIED TO SHOPLIFT A BRA AND NYLONS.
23. I WAS APPREHENDED AND ASSAULTED BY STORE SECURITY OFFICER BEN JONES. I WAS TOLD
24. BY A PUBLIC DEFENDER I WOULD BE PLEADING GUILTY TO JUST RETAIL THEFT. SUSPENDED
25. 15 DAY JAIL SENTENCE. FINED \$361.00 FROM \$561.00.
26. THEFT WARRANT 7-29-92 AFTER SPEAKING TO A YOUNG WOMAN AT THE POOL OF MY APARTMENT
27. COMPLEX. ALTHOUGH I HAD DONE NO WRONG OUTSIDE OF A JIB OR TWO, HER MOTHER CAME AFTER ME

1. SCREAMING SOMETHING ABOUT ME "KISSING ON" HER DAUGHTER AND
CLAIMING SHE WOULD CALL THE
2. POLICE IF I TOUCHED HER AGAIN. I DIDN'T TOUCH THE "FIRST" TIME
LET ALONE KISS HER
3. ANYWHERE. SO I TOLD HER THAT I WOULD BE CALLING THE POLICE TO
FILE A COMPLAINT FOR HARASSMENT.
4. THIS WAS NOT THE FIRST TIME I HAD A "RUN IN" WITH HER AND HER
DAUGHTERS AND I WAS
5. TIRED OF BEING THE TARGET THEY VENT THEIR FRUSTRATIONS ON.
THREE GUYS APPROACHED ME
6. SHORTLY AFTER AND ASKED ME IF I WAS THE ONE WHO HAD BEEN
"HARASSING" MICHELE I SAID
7. I HAD TALKED TO HER. THEY SAID I HAD TO COME WITH THEM AND THEN
THEY BEAT ME
8. SEVERELY. THE POLICE SHOWED UP AND TOOK ME TO JAIL FOR A
WARRANT. I WAS ALSO CHARGED
9. WITH DISORDERLY CONDUCT AND PUBLIC INTOXICATION. (I WAS ON
PRIVATE PROPERTY). THE WARRANT
10. WAS DISMISSED. FINED.
11. WARRANT PUBLIC INTOX. 5-2-93 LATE, KNOCKING ON THE DOOR OF A
WOMAN I HAD A DATE WITH
12. TO FIND OUT WHY SHE DIDN'T SHOW UP. THE POLICE SHOWED UP AND
TOOK ME IN FOR AN OUTSTANDING
13. WARRANT. I BAILED OUT. FINED.
14. INTOX. TRESPASS. 3-30-94 I MET A DANCER (STRIPPER) AT A BAR.
SHE GAVE ME HER NUMBER.
15. I CALLED HER. SHE INVITED ME TO HER PLACE AND WE HAD SEX. TWO
DAYS LATER SHE TOLD ME SHE
16. WAS PREGNANT AND NEEDED ONE HUNDRED AND FIFTY DOLLARS TO TAKE
CARE OF IT. (SHE BLAMED ME)
17. I GAVE HER THE MONEY. THE EVENING OF 3-30-94 SHE SAW ME AND
TOLD ME SHE WAS PREGNANT AGAIN.
18. I TOLD HER NOT ANOTHER DIME. SHE CALLED THE POLICE AND SAID I
HAD A GUN AND WAS GOING TO SHOOT
19. HER. I WAS TAKEN TO JAIL. SHE ALSO TOLD THE POLICE THAT I HAD
RAPED HER. AFTER HEARING THIS
20. I TOLD THE POLICE WHAT HAD HAPPENED AND WAS RELEASED A FEW
HOURS LATER. THE COUNTY
21. PROSECUTOR TALKED ME INTO ENTERING A PLEA OF AMBANCE. FINED
\$150.00.
22. THEFT. 4-23-94 JOHN REMINGTON CHAINED A TRAILER THAT I BELIEVE
TO BE ABANDONED,
23. TO THE BUMPER OF HIS TRUCK. I DIDN'T ASSIST HIM BECAUSE I HAD
TOLD HIM NOT TO TAKE IT
24. UNTIL I COULD GAIN PERMISSION FROM THE MANAGER OF MY APARTMENT
COMPLEX AND BECAUSE
25. THE PREVIOUS DAY JOHN HAD TAKEN A TRAILER THAT I BELIEVED WAS
HIS (WHICH I ALSO DID
26. NOT ASSIST IN ACQUIRING SIMPLY BECAUSE I DIDN'T WANT TO GET MY
CLOTHES DIRTY) BUT
27. HE TOLD SEVERAL PEOPLE, LATER. THAT "WE" HAD STOLEN IT. I WAS
DISTURBED BY

1. JOHN AND HIS ACTIONS. I WOULD HAVE LEFT THE SITUATION BUT EVERY
TIME
2. I CONSIDERED IT I BECAME AWARE THAT I WOULD BE INJURED OR EVEN
KILLED.
3. I WAS HELD CAPTIVE AND I COULD NOT UNDERSTAND WHY OR HOW. WHEN
WE
4. WERE FINALLY CAUGHT BY THE POLICE BECAUSE OF JOHNS PURPOSELY,
FAST AND DANGEROUS
5. DRIVING, I WAS VERY DISTRAUGHT. I WAS NO LONGER, AND HAD NOT
BEEN
6. FOR QUITE SOMETIME, IN CONTROL OF MY ACTIONS AND WORDS. BUT
7. I DID NOT TRY TO FLEE FROM THE POLICE. I WAS TAKEN IN AND
QUESTIONED BY THE
8. POLICE. I TOLD THE OFFICER SEVERAL TIMES THAT I BELIEVED THE
TRAILER WAS
9. ABANDONED I ALSO TOLD HIM THAT I DID NOT ASSIST BECAUSE I HAD
TOLD JOHN TO
10. WAIT UNTIL I COULD GAIN PERMISSION FROM THE MANAGER OF MY
APARTMENT COMPLEX.
11. THE OFFICERS THAT TOOK ME TO SALT LAKE COUNTY JAIL TOLD ME THAT
I WOULD NOT
12. BE CHARGED WITH THEFT. I WAS CHARGED WITH SECOND DEGREE FELONY
THEFT.
13. WHILE IN JAIL I WAS CHARGED WITH A SECOND FELONY THEFT OF THE
FIRST TRAILER
14. THAT JOHN HAD TAKEN AS WELL. I WAS IN JAIL FOR TWENTY EIGHT
DAYS BEFORE
15. I MADE BAIL AND WAS RELEASED. TRIAL.
16. 7-28-94 MY PUBLIC DEFENDER BOB STEELE POSTPONED COURT. I WAS
NOT TAKEN
17. IN NOR WAS I NOTIFIED OF A WARRANT BEING ISSUED.
18. 1-19-95 I WAS IN FRONT OF SMITHS FOOD KING IN MY NEIGHBORHOOD.
I
19. WAS APPROACHED BY AN OFFICER. HE SAID SOMEONE WAS SUSPICIOUS OF
ME. (I DON'T KNOW
20. WHO OR WHY). I HAVE FRIENDS THAT WORK THERE. I SHOP THERE TWO
TOO THREE TIMES A
21. WEEK AND WAS THERE ALMOST DAILY FOR OVER A YEAR. THE OFFICER
CHECKED, I HAD WARRANTS I
22. BELIEVE THAT I SHOULDN'T HAVE HAD. I SPENT TEN DAYS FOR
CRIMINAL TRESPASS AND I
23. WAS RELEASED.
24. 2-9-95 ALTHOUGH I WAS IN COMPLIANCE WITH PRETRIAL SERVICES I
WAS RE ARRESTED
25. AT MY HOME (APARTMENT) UPON PAT BRIANS ORDERS AT LEAST THAT
IS WHAT I WAS TOLD.
26. I WAS CONVICTED, I BELIEVE WRONGFULLY OF TWO SECOND DEGREE
FELONY
27. THEFTS. I AM PRESENTLY IN PRISON AWAITING SENTENCING.

1. PAGE ONE - FACE OF PRESENTENCE REPORT
2. I WAS NOT TRIED AND FOUND GUILTY OF A JURY OF MY PEERS. THE PEOPLE SELECTED
3. FOR MY JURIES WERE NOT MY PEERS NOR EVEN CLOSE TO BEING MY PEERS. MY ATTORNEY
4. BOB STEELE HAD ME TOO INSECURE FOR ME TO HAVE ANY VIABLE INFLUENCE IN THE JURY SELECTION.
5. PAGE TWO A.
6. PARAGRAPH ONE. THE PEOPLE AT MIDAS MUFFLER DID CUT THE LOCK OFF THE BACK OF THE
7. TRAILER. ITEMS WERE NOT FALLING OUT OF THE BACK OF THE TRAILERS AS JOHN DROVE TO
8. THE SIDE OF DESERT INDUSTRIES. I DID NOT RUN FROM THE OFFICER.
9. PARAGRAPH THREE. ALTHOUGH IT IS POSSIBLE BROILER CLAIMED I SOLD THIS "PRESSURE
10. WASHER", I WAS NOT INVOLVED IN THAT. I WAS TOO BUSY TRYING TO FIND A WAY TO
11. STOP JOHN REMINGTON WITHOUT GETTING HURT.
12. PAGE FIVE F.
13. THE NUMBER OF DAYS INCARCERATED WILL TOTAL 224 AUGUST TWENTY EIGHT.
14. PAGE SIX A.
15. REFER TO PAGE ONE LINE FIVE THIS REPORT. NOT ONLY WAS I CITED AND FINED, I ALSO
16. LOST MY DRIVING PRIVILEGE.
17. PAGE ONE LINE SIX - COVERS THREE RECORDS ON THE PRESENTENCE REPORT. ALL THREE
18. PERTAIN TO THE SAME OFFENSE.
19. PAGE 1 LINE 8 COVERS TWO RECORDS ON THE PRESENTENCE REPORT BOTH PERTAIN TO THE SAME
20. OFFENCE.
21. PAGE SIX AND SEVEN A.
22. PAGE 1 LINE 13, 14, 15. COVERS THREE RECORDS ON THE PRESENTENCE REPORT ALL THREE
23. PERTAIN TO THE SAME OFFENSE. 3-1-87 IS RECORDED AS A SEPARATE OFFENSE.
24. PAGE SEVEN A.
25. PAGE 1 LINE 16-20 I MADE A BAD MISTAKE. I TOOK THE COURT AND ITS WARNINGS
26. VERY SERIOUSLY. I MADE A DECISION AGAINST A LIFE OF CRIME THEN. I PAID FOR THE
27. CRIME AND I HAVE PAID MORE FOR IT SINCE.

1. PAGE SEVEN B.
2. PAGE 1 LINE 22 - 7-20-89 - I PAYED THE FINE. ALSO I ATTENDED COUNSELING AND I HAD
3. TO TAKE ANTABUSE AS A PART OF IT.
4. PAGE 2 LINE 4 & 5 - 9-26-90 - I PAYED ONE HUNDRED AND TWENTY FIVE DOLLARS FOR AN OVER
5. DUE TRAFFIC TICKET. THE ACCIDENT THE TICKET RESULTED FROM INVOLVED NO PEDESTRIANS.
6. PRESENTENCE REPORT - (DRIVER - PEDS - ACC).
7. PAGE EIGHT B.
8. PAGE 2 LINE 10-17 - 4-28-91 - NO WARRANT FOR OPEN CONTAINER AND DRINKING IN A VEHICLE. REFER
9. TO PAGE 1 LINE 8 AND 9. - WAS TOLD BY PUBLIC DEFENDER BOB STEELE THAT I WOULD BE
10. PLEADING GUILTY TO PUBLIC INTOX. PAYED FIFTY DOLLAR FINE.
11. PAGE 2 LINE 18,19,20, - 6-24-91 AGAIN NO WARRANT FOR OPEN CONTAINER AND DRINKING IN A
12. VEHICLE, REFER TO PAGE 1 LINES 8 AND 9. - I WAS TOLD THAT I WOULD BE SPENDING ONLY TEN DAYS
13. IN JAIL FOR FAILURE TO PAY A THREE HUNDRED DOLLAR FINE THAT PROBATION HAD AGREED TO LET ME
14. PAY INSTEAD OF WORK HOURS. I WAS COMMITTED FOR NINETY DAYS.
15. PAGE 2 LINE 21-25 - 11-2-91 - I MADE A MISTAKE BUT IT WAS NO REASON FOR THE OFFICER
16. TO ASSAULT ME. I DID NOT RESIST ARREST AND I WAS TO INTOXICATED TO DO SO ANYWAY. I
17. SHOULDN'T HAVE BEEN CHARGED OR CONVICTED OF ASSAULT.
18. PAGE 2 & 3 LINE 26, 27,& 1-10 - 7-29-92 - I WAS THE VICTIM OF A VIOLENT CRIME. I WAS INJURED
19. SEVERELY, AND I WAS THE ONE TAKEN AWAY IN HAND CUFFS.
20. PAGE 3 LINE 14-21-3-30-94 NO BENCH WARRANTS FOR PUBLIC INTOX. I WAS CHARGED WITH PUBLIC
21. INTOX IN THIS PARTICULAR INCIDENT. - FINE ORIGINALLY \$150.00 DOLLARS. I SPENT TEN DAYS
22. IN JAIL INSTEAD.
23. PAGE EIGHT B. AND NINE A.
24. PAGE 3-4 LINE 22-27 AND 1-15 -4-23-94 - NO WARRANT FOR THEFT ISSUED UNTIL 1-19-95 AND NONE
25. SHOULD HAVE BEEN. I HAD WRITTEN ONE COURT AND APPEARED AT THE OTHER. I WAS TOLD THAT
26. MY TRIAL DATE WOULD BE RESCHEDULED AND WAS WAITING FOR A RESPONSE FROM BOTH
27. COURTS. PAGE 4 LINE 16-22.

1. PAGE NINE PROBATION/PAROLE HISTORY.
2. PARAGRAPH TWO - REFER PAGE 1 LINE 22 & 23, PAGE 6 LINE 2 & 3.
3. PARAGRAPH THREE - 80 WORK HOURS WAS CHANGED TO 300 DOLLAR FINE.
PAGE 6 LINE 12,13, AND 14.
4. FINE OF ONE HUNDRED AND TWENTY FIVE DOLLARS IS FROM A TRAFFIC
TICKET. PAGE 2 LINE 4 & 5. I AM NOT
5. AND WAS NOT AN ALCOHOLIC AND I AM NOT IN "DENIAL". I "BOUGHT
IN" TO CLAIMING I WAS AN ALCOHOLIC
6. WHEN I WAS A TEENAGER BECAUSE MY FRIENDS DID. I DID ATTEND "AA"
MEETINGS AND I FOUND THAT I WOULD
7. ONLY BE TAKING OTHERS "AIR". I WAS EVALUATED AT ISAT., THE
ALLEGED EVALUATOR WAS BRUSQUE AND
8. INSENSITIVE, HE DID NOT ASK MANY QUESTIONS AND HE WAS TOO BOLD,
(UN OPEN) TO BE RESPONSIVE TOO. I
9. DID WANT HELP AND I WANTED TO GO THROUGH ISATS PROGRAM, MY ONLY
TREPIDATION WAS
10. THE CLOSE TO 1000 DOLLAR FEE. PAGE TEN PROBATION/PAROLE HISTORY
CONTINUED. I TOLD HIM THAT I HAD CROSS-DRESSED IN
11. AN EFFORT TO EXPLAIN THAT I HAD BEEN VIOLATED AND CROSS-DRESSED
AFTER BECAUSE IT WAS
12. SUGGESTED THAT I DO SO TO FEEL WELL AGAIN (AFTER THE
VIOLATION). I BELIEVE A REAL THERAPISTS WOULD
13. HAVE BEEN ACCEPTING ENOUGH TO AT LEAST HEAR ME OUT AND HAVE
SOME VIABLE INPUT. I HAD BEEN HURT
14. AND DEGRADED ON A REGULAR BASIS SINCE SHORTLY AFTER I HAD
REACHED PUBERTY. I TOLD HIM I WOULD
15. HAVE A HARD TIME COMING UP WITH THE MONEY AND HE TOLD ME I
WOULD NOT HAVE TO GO THROUGH
16. THERAPY UNLESS HE HAD THE COURT ORDER ME TOO. BUT I WANTED TO!
ISAT WAS NO HELP ! ANYWAY I
17. BELIEVE THE INTERVIEW WAS CONFIDENTIAL AND PRIVATE, BUT IT WAS
SHARED ON MY PRESENTENCE REPORT
18. AND WITH GOD ONLY KNOWS (I WISH) WHO ELSE. AGAIN, MY ONLY
MISGIVING ABOUT THERAPY WAS
19. THE MONEY. MY BROTHER DID FREEZE TO DEATH. I DID LOSE MY JOB
OVER IT. ME AND MY FAMILY DID
20. HAVE A FUNERAL AND BURIAL TO GO TO AND I HATED IT ! IT DIDN'T
MAKE SENSE. AGAIN MY
21. 125 DOLLAR FINE WAS AN UNPAID TRAFFIC TICKET. PAGE 2 LINE 4 &
5. PAGE 7 LINE 4. THIS
22. WAS A THIRD MISDEMEANOR AND THIRD CHARGE BESIDE TRAFFIC ON MY
ADULT RECORD. "MAXIMUM"
23. I REALLY DON'T THINK SO. (ADULT RECORD FROM 8-87 TO 9-90) - I
WAS TOLD I WOULD SPEND TEN
24. DAYS IN JAIL. THIRTY DOLLARS FOR EACH UNPAID FINE. PAGE 6 LINE
12,13,14. PAGE 7 LINE 3 -
25. PAGE TEN PARAGRAPH TWO
26. MY BROTHER WAS HOMELESS BECAUSE OF TO MANY "RUN INS" WITH THE
POLICE AND MY FATHER WAS
27. TIRED OF IT. - MY MOTHER PRESENTLY IS A REAL ESTATE AGENT AND
MY FATHER IS A

1. FACILITY SHIFT ENGINEER AT THIOKOL. - IT IS A DEFENSE TO THE CHARGE
2. OF THEFT IF THE ACTOR BELIEVES HE COULD GAIN THE CONSENT OF THE OWNER
3. IF HE/SHE WAS PRESENT. REF THE UTAH CODE. - I BELIEVED THE TRAILER WAS TO BE ABANDONED
4. AND I BELIEVED I COULD GAIN CONSENT FROM THE OWNER OF THE PROPERTY IT WAS
5. SETTING ON. PAGE 3 LINE 23 & 24.
6. PARAGRAPH THREE PART FOUR-EDUCATION
7. I COMPLETED MY HIGH SCHOOL CREDITS AND RECEIVED A G.E.D. WHILE IN O. & A.. I SPENT
8. FOUR QUARTERS AT SALT LAKE COMMUNITY COLLEGE AND I CAN PROVIDE DOCUMENTATION
9. TO VERIFY.
10. ORGANIZATIONAL OR COMMUNITY AFFILIATIONS
11. I AM AN ORGANIZED INDIVIDUAL. IF YOU SEE ME STANDING IN THE COMMUNITY. I
12. AM A "PILLAR" OF IT. PEOPLE AFFILIATE AND/OR ASSOCIATE THEMSELVES WITH ME
13. OFTEN AND FOR SELF BETTERMENT. I AM INVOLVED. WHAT DO I GET FOR
14. FURTHER JOINING ? I SHOULD GET PAID.
15. PAGE ELEVEN
16. PARAGRAPH ONE A.
17. IT IS POSSIBLE THAT MY SPLEEN COULD HAVE BEEN SAVED. I WAS IN JAIL. I ASKED A JAILER
18. THREE TIMES TO LET ME RECEIVE MEDICAL ATTENTION, I DID SO ONLY AFTER I WAS ABSOLUTELY
19. CERTAIN THAT I WAS BLEEDING INTERNALLY AND I TOLD HIM SPECIFICALLY THAT.
20. MY MOTHER CALLED THE JAIL ELEVEN TIMES AND TOLD THEM I NEEDED MEDICAL
21. ATTENTION. THE JAILER TOLD ME TO JUST LAY DOWN AND I WOULD BE OKAY. AFTER
22. A FULL NIGHT AND DAY OF EXCRUCIATING PAIN I WAS TAKEN TO A MEDIC WHO TOLD ME
23. I HAD SORE STOMACH MUSCLES AND TO JUST "GO LAY DOWN AND YOU'LL BE OKAY". FINALLY
24. AT SIX O'CLOCK THAT EVENING I WAS RELEASED. MY MOTHER TOOK ME TO L.D.S. HOSPITAL
25. AND I WAS TAKEN INTO SURGERY. MY SPLEEN WAS REMOVED AND MY LIVER WAS STITCHED
26. BACK TOGETHER. THEY DRAINED OVER FOUR PINTS OF PARTIALLY COAGULATED BLOOD OUT OF
27. MY BODY CAVITY. PAGE 2 & 3 LINE 26&27 & 1-10 PAGE 6 LINE 18 &

1. PARAGRAPH TWO B.
2. NO. NOT "COMPELLED TO ABIDE". I COULDN'T BREATH OR THINK
3. CLEARLY. I COULDN'T, AT
4. THE TIME. UNDERSTAND WHY I COULDN'T FLEE. THIS GUY KNEW WHERE I
5. LIVED AND
6. HE WAS TRYING TO GAIN THE LICENSE TO BEAT AND OR KILL ME IF I
7. WOULD HAVE DONE
8. ANYTHING THAT WOULD MAKE HIM BELIEVE I KNEW ANYTHING BUT A
9. POSITIVE WORLD, HE,
10. I BELIEVE, WOULD HAVE HARMED OR KILLED ME. PAGE 4 LINE 1-6.
11. PAGE 5 LINE 10 & 11.
12. PARAGRAPH THREE C.
13. IT WAS THREE YOUNG MEN - IT WAS 1986 WHEN I CUT MY WRISTS AND
14. IT WAS 1989 WHEN I DRANK THE DRAINOS BOTH TIMES BECAUSE I WAS IN
15. FEAR
16. OF BEING CONFINED.
17. PARAGRAPH FOUR A.
18. MY DRINKING DIDN'T INCREASE IT JUST BECAME REGULAR. - I DRINK
19. HARD ALCOHOL
20. AND BEER AND/OR WINE - ONE HALF GALLON EVERY TWO WEEKENDS OR
21. LONGER.
22. PAGE TWELVE
23. PARAGRAPH ONE B.
24. I HAVEN'T SMOKED POT SINCE O. & A., 1989. REGULARLY. HAVEN'T
25. SMOKED POT AT ALL FOR
26. THE LAST FIVE YEARS. SINCE 1989.
27. PART C.
28. I DO NEED HELP. I NEED TO RID MYSELF OF WHOEVER OR WHATEVER IT
29. IS THAT USES
30. SUBSTANCE USE AS AN EXCUSE TO BE AND/OR MAKE PROBLEMS FOR ME.
31. EMPLOYMENT HISTORY
32. I WAS FIRED FROM PARKWEST FOR TAKING A WEEK OFF - WITHOUT
33. PREARRANGEMENT
34. AFTER MY BROTHER DIED. PAGE 7 LINE 19 & 20.
35. PAGE THIRTEEN
36. PARAGRAPH ONE
37. I WAS EMPLOYED AT LABOR EXPRESS AT THE TIME. I HAD BROKEN MY
38. FOOT IN DECEMBER
39. AND HAD BEEN UNABLE TO WORK REGULARLY.

1. EVALUATIVE SUMMARY
2. PARAGRAPH ONE
3. I DID NOT TAKE A TRAILER. I WAS NOT A PART OF ITS TAKING.
"THEY" NO. "HE". JOHN
4. REMINGTON DROVE. "THEY" NO "HE" JOE BROILER SOLD AN ITEM. NOT
"INTOXICATED"
5. "SUFFOCATED" JOHN TOOK DOMINION OVER ME AND IT WAS ALMOST
IMPOSSIBLE
6. FOR ME TO BREATH AT ALL. PAGE 3 LINE 22&23, PAGE 4 LINE 4 & 5
PAGE 5 LINE 9 & 10, PAGE 4 LINE 3, PAGE 9 LINE 2 - 6.
7. PARAGRAPH TWO
8. I ACCEPT NO RESPONSIBILITY FOR MY INVOLVEMENT. IF I WOULD HAVE
TRIED TO LEAVE
9. THE SITUATION, I BELIEVE BEYOND A SHADOW OF A DOUBT, JOHN
REMINGTON WOULD HAVE HARMED
10. AND / OR KILLED ME. I WASN'T "ABIDING" OR "GOING ALONG". (AND I
DIDN'T SAY ANYTHING LIKE THAT)
11. I WAS CAREFULLY WAITING FOR AN OPPORTUNITY TO PART COMPANY WITH
JOHN REMINGTON
12. WITHOUT MAKING HIM SUSPICIOUS. I DID NOT BELIEVE THE CRIME OF
THEFT WAS BEING
13. COMMITTED, EXCEPT (AND ACCEPT) THE THEFT OF MYSELF, MY BODY,
WHICH WAS TAKEN WITHOUT
14. LICENSE AND PLACED UNDER EXTREME PRESSURE, SO EXTREME THAT MY
HEALTH (MY LIFE),
15. WAS AT SEVERE RISK FOR THE DURATION OF HIS PRESENCE ON ME, ALSO
WITHOUT LICENSE.
16. I DON'T MIND FULL TIME EMPLOYMENT. I JUST MIND PEOPLE TELLING
ME COERCING ME, AND TRYING
17. TO MANIPULATE ME INTO DOING SOMETHING I ALREADY KNOW HOW TO DO.
- ALCOHOL ABUSE, I AM
18. ABUSED FOR IT, NOT FROM ITS USE. I MAY ABUSE IT ! - I AM GOOD,
BETTER THAN AVERAGE REGULARLY,
19. AND I MAKE PEOPLE BETTER WHEN THEY ARE INFLUENCED BY ME. MAY BE
THAT IT IS
20. CRIMINAL AND IT MAY BE THAT I AM IN ERROR TO THINK I WILL BE
GOOD AND
21. GET BETTER JUST LIKE EVERYONE ELSE, THAT IS/ARE, "REALLY
ALIVE". AND COGNITIVE
22. STRUCTURING ... I'M NOT TOTALLY CERTAIN, BUT THERE IS A METHOD
TO MY
23. MADNESS AND I DO BUILD SOMETHING THAT LASTS ! - OTHERS TAKE
CARE OF MY
24. FINANCIAL NEEDS AND HAVE ALLEVIATED ME OF THE RESPONSIBILITY
AND ACTIVE
25. CAPABILITY TO DO SO FOR THEIR OWN REASONS.
26. PAGE FOURTEEN
27. PARAGRAPH ONE

NEXT PAGE

PAGE 14 PARAGRAPH 1 PRESENTENCE CONT.

1. I AM A GOOD PERSON AND AM KNOWN AS A GOOD PERSON. WE AS SOCIETY AND HUMANITY
2. BELIEVE, TRY TO BELIEVE, AND TRY TO MAKE BELIEVE THAT THE ONLY PEOPLE WHO
3. ARE "OFFENDERS", "CONVICTS", ARE BAD, WRONG, MISTAKEN, AND CRIMINAL.
4. CONSEQUENTLY, IT IS , AND HAS BEEN, ALMOST IMPOSSIBLE FOR ME TO HAVE ENOUGH
5. LIBERTY TO EVEN PARTIALLY COMPLY WITH THE COURTS SYSTEM AS AN
6. "OFFENDER" OR "CONVICT". I AM NOT BAD, WRONG, MISTAKEN, NOR AM
7. I CRIMINAL. A MAJORITY CANT BELIEVE THAT I NEED TO COMPLY
8. WITH THE COURTS SYSTEM. I'M GOOD ! A SMALL MINORITY WE DARE NOT
9. EXIST AS BY KNOWING OF ITS NEGATIVE EXISTENCE WOULD LIKE ME IN
10. MORE TROUBLE BECAUSE I AM GOOD !
11. AGENCY RECOMMENDATION
12. IT CAN NOT BE RESPECTFULLY RECOMMENDED THAT I BE COMMITTED TO
13. (SENT, PLACED IN) THE UTAH STATE PRISON OR ANY OTHER LIKE FACILITY BY ANY ONE
14. OR NUMBER FOR ANY AMOUNT OF TIME, THAT ANY ONE OR NUMBER MUST AND
15. MOST CERTAINLY WILL BE RESPECTLESS !
16. I DID NOT COMMIT A CRIME. I AM A CIVIL, NONVIOLENT, HEALTHY,
17. CONTRIBUTIVE PART OF SOCIETY AND HUMANITY.
18. 1. NO ! NOT EVEN ANY KIND OF CENT OR PENNY NO NOT EVEN ONE !
19. 2. NO ! RESTITUTION IS OWED TO ME IN AN INNUMERABLE AMOUNT !
20. 3. NO ! I WAS NOT EFFECTIVELY, LEGALLY, DEFENDED.
21. THERE IS NO RESPECT DESERVED IN THIS SUBMISSION AND THE
22. APPROVAL MAY NOT BE REAL NOT FROM A RESPECTABLE, RESPONSIBLE, INDIVIDUAL !
- 23.
24. P.S. AP&P MISSED ARREST SEPTEMBER 1993 IMPROPER LICENSE PLATE. WARRANT
25. FOR PUBLIC INTOX. PAGE 3 LINE 11&12&13. STAYED OVER NIGHT IN KAYSVILLE DAVIS
26. COUNTY JAIL, MADE BAIL AND PAYED FINE.

1. DEAR PEOPLE INVOLVED (THE HONORABLE PAT BRIAN, THE HONORABLE
2. ANNE STIRBA, STAFF OF THIRD DISTRICT
3. COURT, AND ADULT PROBATION AND PAROLE, GOVERNOR MIKE LEAVITT,
4. PRESIDENT BILL CLINTON, THE F.B.I. AND
5. ITS DIRECTOR LOUIS FRESH, THE C.I.A. AND ITS DIRECTOR R.JAMES
6. WOOLSEY, SENATOR ORRIN
7. HATCH, MAYOR DIDI CORRADINI, AND NOW FINALLY THE UTAH SUPREME
8. COURT AND THE UNITED
9. STATES SUPREME COURT.)
10. WE HAVE ALL BEEN PLAYED FOR A FOOL. I LOOK THE MOST FOOLISH OF
11. ALL BECAUSE I'M THE ONE IN PRISON.
12. I'VE WRITTEN SOME THINGS TO SOME OF YOU THAT COULD BE
13. INTERPRETED AS RASH OR EVEN THREATENING,
14. (JACK FORD FOR GOV. LEAVITT - "TERSE" ?!?) I WROTE TO GET YOUR
15. ATTENTION. I DIDN'T COMMIT A CRIME,
16. NOT THIS TIME, NO WAY ! IT IS MORE DIFFICULT THAN ONE MIGHT
17. THINK TO SIT IDLE, TRAPPED WHILE
18. SOMEONE IS CHEATING YOU. I HAVE ALWAYS BELIEVED IN THE SYSTEM.
19. I BELIEVE IT IS FAIR AND THAT IT
20. DOES WORK. I HAVE A PAST. WHEN I LOOK BACK ON IT I DON'T THINK
21. I'VE BEEN THAT BAD, BUT
22. ON PAPER IT SAYS I HAVE TWENTY EIGHT PRIORS, NOT ALL OF THEM
23. ARRESTS, FOUR OF THEM ARE FROM
24. THIS CURRENT OFFENSE, AND A FIFTH DIRECTLY RELATES TO AND IS A
25. PART OF THE CAUSE OF THIS LAST EVENT.
26. REF. PG. 3 LN 14-27, PG.4 LN 1-27, PG. 5 LN 1-13, PG. 6 LN
27. 20-27, PG. 8 LN 1-5, PG 9 LN 2-6, PG. 10 LN 3-15. CERTAIN
28. RECORDS JUST DON'T EXIST (TYPE "O"S COMPUTER ERRORS) PG. 2 LN.
29. 5 PG. 5 LN. 23, PG. 6 LN. 5,6 & 8,9 & 11, 12. IN SOME
30. INSTANCES I'VE HAD A TICKET AND FAILED TO PAY OR TAKE CLASSES
31. AND HAD TO BE BACK AND PAY FOR IT OR DO IT AGAIN.
32. PG. 1 LN. 6, PG. 5 LN 17 & 18, PG. 1 LN. 8 & 9, PG. 5 LN. 19 &
33. 20, PG. 1 LN. 13, 14, 15, PG. 5 LN. 22 & 23, PG. 2 LN. 2, 3 &
34. 8, PG. 3 LN. 8, 12, 13, 21 & 22. AND
35. OTHER THINGS I'VE JUST PLAIN DONE. SOMETIMES WE DON'T KNOW WHY
36. AND SOMETIMES WE DO BUT EITHER
37. WAY WE'VE JUST DONE IT.
38. WELL HERE IS WHAT I'VE DONE. I DON'T THINK ANYONE WILL BELIEVE
39. IT WARRANTS PRISON TIME.
40. WHEN I WAS THIRTEEN YEARS OLD I WAS COASTING MY MOTORCYCLE,
41. WHICH I HAD BOUGHT WITH MY OWN MONEY
42. FROM A PAPER ROUTE. I WAS ON A PUBLIC ROAD AND I WAS STOPPED
43. AND CITED. REF. PG. 1 LN. 1.
44. I STARTED DRINKING AND SMOKING POT AT AGE TWELVE. (I WASN'T
45. HURTING ANOTHER) BY THE AGE OF FIFTEEN I
46. DRANK AND SMOKED POT REGULARLY. I ALWAYS HAD A GOOD TIME. I
47. NEVER GOT IN FIGHTS AND I ALWAYS
48. STAYED WITHIN MY LIMITS. (NEVER GOT SLOPPY OR OUT OF CONTROL) I
49. ALSO PAID FOR MY OWN HABITS. I
50. WORKED FULL TIME SUMMER AND PART TIME WINTER. AT A PARTY
51. DURING SCHOOL SOMEONE UNINVITED
52. CALLED THE SCHOOL AND THE PROPER AUTHORITIES WERE NOTIFIED. I
53. WAS TAKEN IN AND CITED. PG. 1 LN. 2.

1. TWO MONTHS AFTER I GOT MY DRIVERS LICENSE I HIT ANOTHER CAR. I PANICKED AND DROVE AWAY. PG. 1 LN 4 & 5,
2. PG. 5 LN. 15 & 16.
3. I WAS SIXTEEN YEARS OLD I WAS AS BIG AS MANY MEN. I HAD WORKED REGULARLY SINCE I WAS ELEVEN
4. YEARS OLD AND I DIDN'T FEEL LIKE I "HAD" TO STAY ANYWHERE I WASN'T GETTING PAID. PG. 1 LN. 6, PG. 5 LN. 17 & 18.
5. THE SPRING OF THAT YEAR (1986) I MET A MAN NAMED MIKE G. ROMNEY. HE PROMISED ME A CAREER IN THE MODELING
6. INDUSTRY THAT I WOULD ONLY NEED TO SUBSIDIZE WITH A PART TIME JOB. HE TRIED TO PUSH MY BUTTONS ABOUT
7. SMOKING POT AND DRINKING. I THINK HE USED ME AS A SCAPEGOAT OR DEGRADED ME TO OTHERS, BECAUSE AFTER
8. MY ASSOCIATIONS WITH HIM, MY LIFE AND MY REPUTATION AS A VERY GOOD PERSON BEGAN TO CHANGE AND
9. THINGS THAT HAD COME TO ME EASY BECAME DIFFICULT.
10. ONE WEEK AFTER MY LICENSE WAS TO BE REINSTATED I GOT A TRAFFIC TICKET ON THE WAY TO WORK. PG. 1 LN. 7.
11. I HAD, SINCE THE AGE OF FOURTEEN, WENT TO THE GYM REGULARLY. ONE EVENING AFTER WORKING OUT A FRIEND AND
12. I WERE DRINKING A BEER IN HIS CAR. A PATROLMAN PULLED UP AND CITED US BOTH FOR OPEN CONTAINER. PG. 1 LN. 8 & 9, PG. 5 LN. 19 & 20.
13. STOPPED FOR SPEEDING WITH A COOLER FULL OF BEER AND A FEW UNDER THE "BELT", I AND TWO OTHERS
14. WERE CITED AND RELEASED. PG. 1 LN. 10, 11 & 12.
15. I HAD JUST RETURNED FROM FOUR MONTHS OF SCHOOL IN CALIFORNIA. MY BEST FRIEND AND I WERE OUT DRINKING
16. AND STUNT DRIVING ON SNOWY BACK ROADS OF A RURAL AREA IN LOGAN. PG. 1 LN. 13, 14 & 15. PG. 5 LN. 22 & 23.
17. I GOT A CRAZY IDEA AND I HAD A LOT OF CRAZY IDEAS AT THAT TIME IN MY LIFE. I WAS A BIG, ACTIVE, GOOD LOOKING,
18. YOUNG MAN AND IT SEEMED THE ANSWER TO MY EVERY MENTAL QUESTION, WAS ADVENTUROUS AND/OR ILLEGAL. I DID
19. SOMETHING I REGRETTED. I ROBBED A GAS STATION AND I GOT CAUGHT. I ADMITTED MY ERROR, DID MY TIME AND
20. I DIDN'T TAKE ANY OF IT AS A JOKE. I HAVE HONESTLY ENDEAVORED TO STAY AWAY FROM ANY AND ALL CRIME (EXCEPT
21. DRINKING BEFORE AGE 21 SMOKING POT) EVER SINCE AND ALL OF MY LIFE BEFORE THAT EVENT. PG. 1 LN. 16-20, PG. 5 LN. 25, 26 & 27.
22. ON MY WAY HOME FROM A BAR, DRUNK, I SAW A PATROL CAR. I RAN, I WAS CAUGHT AND I PAID. PG. 1 LN. 21, 22 & 23, PG. 6 LN. 2 & 3
23. I WAS FINALLY OF LEGAL AGE TO DRINK AND I WOULD NOT HAVE BEEN TAKEN IN BUT I HAD A WARRANT FOR TRAFFIC AND
24. ANOTHER FOR NO BUSINESS LICENSE. PG. 1 LN. 27, PG. 2 LN. 1-6, PG. 6 LN. 4, 5 & 6.
25. AGAIN I WOULD NOT HAVE BEEN TAKEN IN IF NOT FOR UNPAID TRAFFIC TICKETS. WHILE IN JAIL I WAS ASSAULTED
26. BY SEVERAL GUARDS. I ASKED TO MAKE A PHONE CALL AND THEY ANSWERED ME BY TELLING ME TO "SHUT UP AND GO
27. TO SLEEP". IT WAS FOUR O'CLOCK IN THE AFTERNOON AND I HAD BEEN TOLD BY PRETRIAL THAT I WOULD BE

1. ALLOWED TO MAKE A PHONE CALL. SO I ENQUIRED SEVERAL TIMES AND FINALLY THEY CAME INTO THE CELL FORCED ME TO THE
2. GROUND FORCIBLY REMOVED MY JACKET AND SHOES PULLING MUSCLES IN MY SHOULDERS AND LEGS LEAVING ME IN
3. PAIN FOR WELL OVER A WEEK. PG. 2 LN. 7,8 & 9.
4. I WAS ASSAULTED AND ILLEGALLY ARRESTED IN MY OWN APARTMENT FOR TELLING TWO OFFICERS NOT TO WAKE
5. MY NEIGHBORS AT TWO O'CLOCK IN THE MORNING. I WAS TOLD BY PUBLIC DEFENDER BOB STEELE IT WOULD
6. BE TO HARD TO FIGHT THE CHARGES. BECAUSE I HAD BEEN DRINKING EARLIER THE EVENING OF THE INCIDENT. I
7. AGREED TO PLEAD GUILTY TO PUBLIC INTOX. PAY A FIFTY DOLLAR FINE, AND WALK AWAY. PG. 2 LN. 10-17 PG. 6 LN. 8, 9 & 10.
8. I WAS COMMITTED TO SALT LAKE COUNTY JAIL FOR NINETY DAYS. I DIDN'T THINK I HAD DONE THAT POORLY ON
9. PROBATION. I DID GO TO MOST OF MY MEETINGS. PG. 2 LN. 18. 19 & 20, PG. 6 LN. 12, 13 & 14, PG. 1 LN. 23 & 24.
10. I WAS DRUNK AND I WAS BEING COERCED INTO DOING SOMETHING THAT EMBARRASSES ME STILL. I THINK THE
11. STORE SECURITY OFFICER COUNTED ON ME BEING EMBARRASSED AND BELIEVED I WOULDN'T MAKE AN ISSUE
12. OF HIM ASSAULTING ME AND THEN CHARGING ME WITH ASSAULT, I WAS TOLD BY A PUBLIC DEFENDER THAT I WOULD
13. BE PLEADING GUILTY TO ONLY RETAIL THEFT. PG. 2 LN. 21-25, PG. 6 LN 15, 16 & 17.
14. DRINKING OUT AT THE POOL I EXCHANGED SOME WORDS WITH SOMEONE AND SHORTLY LATER I WAS BEATEN.
15. ALTHOUGH I WAS BADLY INJURED I WAS STILL TAKEN TO JAIL. AFTER TWENTY FOUR HOURS AND A NUMBER OF
16. REQUESTS, BY MY MOTHER AND BY MYSELF, TO RECEIVE MEDICAL ATTENTION, I WAS FINALLY RELEASED FROM
17. CUSTODY. I WENT IMMEDIATELY TO THE HOSPITAL AND I WAS TAKEN INTO SURGERY. PG.2 LN.26 & 27, PG. 3 LN. 1-10,
18. PG.. 6 LN. 18 & 19, PG. 8 LN. 17-27.
19. I HAD A DATE AND I WAITED TOO LONG TO FIND OUT WHY SHE DIDN'T SHOW UP. I STARTED KNOCKING, SHE DIDN'T ANSWER
20. BUT I CONTINUED TO KNOCK BECAUSE I DIDN'T DESERVE TO BE TREATED LIKE THAT. THE POLICE SHOWED UP AND TOOK ME IN
21. FOR A WARRANT. PG. 3 LN. 11, 12 & 13.
22. FOUR MONTHS AFTER THE PREVIOUS INCIDENT I WAS STOPPED FOR EXPIRED PLATES. I STILL HAD THE OUTSTANDING
23. WARRANT FROM THE PREVIOUS INCIDENT WHICH I HAD THOUGHT I'D PAID. I MADE BAIL THE NEXT DAY. I DID GO TO PAY THIS
24. FINE AND I WAS TOLD THAT IT WAS ALREADY PAID. PG. 11 LN 24, 25 & 26.
25. AT A BAR I FREQUENTED, A GIRL NAMED TRACY, I HAD RECENTLY HAD SEX WITH (AND GIVEN \$150.00 DOLLARS
26. TO UPON HER REQUEST TO "TAKE CARE OF" ALLEGED PREGNANCY) TOLD ME SHE WAS PREGNANT. I TOLD HER NOT
27. ANOTHER DIME AND TOOK A SEAT WITH A FRIEND. SHORTLY LATER I WAS ASKED TO LEAVE THE BAR. I DID

1. AND WAS WAITING IN MY FRIENDS TRUCK WHEN THE POLICE SHOWED UP.
PG. 3 LN. 14-21, PG. 6 LN. 20, 21 & 22.

2. I HAD MEET JOHN REMINGTON A COUPLE OF WEEKS BEFORE THE PREVIOUS
INCIDENT TOOK PLACE. WE MET AT A PARTY

3. WHERE I WAS TOLD THAT HE WAS JOHN THAXTON. MY SISTER HAD TOLD
ME ABOUT HER FRIEND JOHN THAXTON.

4. SHE TOLD ME HE WAS A REALLY NEAT MORMON GUY THAT SHE LIKED AND
SHE TOLD ME HE WAS

5. INVOLVED IN DRAMA IN SCHOOL. THE NEXT TIME SHE SPOKE OF HIM WAS
TO TELL ME THAT HE HAD BEEN IN

6. A CAR ACCIDENT, SOME DRINKING HAD BEEN INVOLVED, AND HIS GIRL
FRIEND HAD BEEN KILLED. THE THIRD TIME

7. SHE MENTIONED HIM TO ME SHE TOLD ME THAT HE HAD A LITTLE SISTER
NAMED TRACY THAT I WOULD LIKE.

8. WHEN THE FOLLOWING EVENTS TOOK PLACE I DIDN'T MAKE THE
CONNECTION BETWEEN JOHN AND THE TRACY I

9. GAVE THE MONEY TO IN THE PREVIOUS INCIDENT.

10. JOHN REMINGTON CAUGHT ME AT MY APARTMENT. I HAD BEEN TRYING TO
AVOID HIM. HE HAD APPROACHED

11. ME EARLIER THAT WEEK. HE HAD JUST BEEN RELEASED FROM JAIL FOR
SOMETHING HE CLAIMED HE DIDN'T DO.

12. I GAVE HIM BUS FARE AND WE TOOK THE BUS TO HIS PARENTS HOUSE.
FROM THERE HE GAVE ME A RIDE TO

13. MY APARTMENT. ON THE WAY TO, AND AT MY APARTMENT JOHN
SUGGESTED "WE" BE INVOLVED IN SOME

14. CRIMINAL ACTIVITY. HE SAID "WE" SHOULD DEAL COCAINE AND HE
TOLD ME HE WOULD COME AND GET ME

15. THE FOLLOWING DAY. I DIDN'T WANT TO GET IN ANY TROUBLE SO I
MADE MYSELF SCARCE THE NEXT DAY. I HOPED

16. HE WOULD GET THE HINT. HE DIDN'T. A FRIEND OF MINE WAS THERE
HE WAS JUST MOVING IN. WE HAD BEEN

17. NEIGHBORS BEFORE, HE WAS STARTING COLLEGE AND MY PLACE WAS
CLOSE TO THE SCHOOL, SO I AGREED TO LET

18. HIM STAY AND SHARE IN LIVING EXPENSES.

19. WHEN JOHN SHOWED UP HE DIDN'T COME RIGHT TO THE DOOR. FIRST HE
HOOKED UP MY CABLE AT THE OUTSIDE

20. BOX. THEN HE CAME TO THE DOOR AND TOLD ME THAT I NOW HAD
CABLE, AS HE FINISHED THE ADJUSTMENTS.

21. HE DIDN'T ASK AND HE DIDN'T ALLOW ME ANY TIME TO RESPOND. HE
THEN SAID WE "NEED" SOMETHING TO DRINK.

22. HE BOUGHT A BOTTLE OF VODKA AND SOME O.J. AND GOT ME AND MY
FRIEND DRUNK. THEN HE SAID LETS

23. GO , WHEN I ASKED WHY? AND WHERE? HE SAID HE NEEDED TO GO GET
SOME MONEY. HE DROVE (I WAS

24. THE PASSENGER) TO AN APARTMENT COMPLEX WAY OUT PAST FASHION
PLACE MALL. HE WENT INSIDE

25. A BUILDING CAME BACK OUT AND DROVE TO ANOTHER PART OF THE
COMPLEX WHERE SEVERAL TRAILERS WERE

26. PARKED. HE GOT OUT OPENED ONE CHECKED THE CONTENTS AND SAID
"WE'RE TAKING IT", HE BACKED

27. HIS TRUCK UP AND THEN HE HOOKED THE TRAILER TO HIS BUMPER. I
BELIEVED THE TRAILER WAS HIS.

1. I DIDN'T ASSIST HIM BECAUSE: A. I DIDN'T WANT TO GET MY CLOTHES DIRTY. AND B. I COULDN'T.
2. HE WAS GOING TOO FAST. HE WAS JUST LIKE AN EXHAUSTING LITTLE KID. I COULDN'T BREATHE OR THINK
3. CLEARLY AND HE IS/WAS SIMPLY TOO BIG TO GRAB AND STOP. FURTHER MORE HE'S NOT MY CHILD.
4. WHEN HE BEGAN TO PULL OUT, THE TRAILER HIT SOMETHING. THIS ANGERED JOHN. HE BEGAN DRIVING
5. TOO FAST BEFORE WE WERE EVEN OUT OF THE COMPLEX PARKING LOT. HE CONTINUED TO DRIVE AT HIGH SPEED
6. AND DANGEROUSLY. HE DROVE DOWN A DIRT ROAD THAT WAS IN POOR CONDITION (TOO FAST) CRASHING THROUGH A
7. GATE AND EVENTUALLY BACKING IT INTO A STORAGE BAY DOOR. HE UNHOOKED IT FROM HIS TRUCK. THEN HE CRAWLED
8. INSIDE AND TOOK SOME THINGS OUT (AGAIN I DID BELIEVE IT WAS HIS PROPERTY) AND PUT THEM IN HIS TRUCK. I
9. WANTED TO LEAVE THE SITUATION. HIS ACTIONS HAD BECOME STARTLINGLY AGGRESSIVE BUT WHEN I CONSIDERED
10. LEAVING I BECAME CONCERNED THAT I WOULD BE INJURED OR EVEN KILLED SO I JUST GOT BACK IN THE TRUCK.
11. HE THEN DROVE TO THE OTHER SIDE OF THE CITY WHERE HE SOLD THE ITEMS HE HAD TAKEN
12. OUT OF THE TRAILER TO SOMEONE HE KNEW. AFTER THIS HE TOOK ME OUT TO A BAR WHERE
13. HE TOLD EVERYONE HOW "WE" HAD STOLEN THIS BIG TRAILER. I WAS TRAPPED AND I COULDN'T
14. GET AWAY. HE NEVER LET ME OUT OF HIS SIGHT. I DIDN'T WANT TO BELIEVE WHAT WAS HAPPENING
15. WAS HAPPENING BECAUSE I DIDN'T WANT IT TO BE BELIEVED THAT I HAD LICENSED ANY OF IT TO OCCUR,
16. BECAUSE I HADN'T, AND HE WAS PUSHING ME VERY HARD TO BUY INTO IT. HE INVITED HIMSELF TO STAY
17. THE NIGHT AT MY PLACE. IN THE MORNING, BECAUSE I WAS GOING NOWHERE WITHOUT HIM, (I DIDN'T
18. LIKE THE IDEA OF LETTING HIM HAVE MY PLACE) I HAD HIM TAKE ME TO THE POST OFFICE TO PICK UP A
19. CHECK I RECEIVED WEEKLY FROM MY PARENTS. I CASHED IT, BOUGHT BREAKFAST, AND A COLD CASE OF BEER
20. AND WE RETURNED TO MY APARTMENT WHICH IS WHERE I INTENDED TO STAY UNTIL HE WENT AWAY.
21. WHEN WE WERE RETURNING TO MY APARTMENT, JOHN SAID WE SHOULD TAKE A TRAILER THAT WAS PARKED
22. IN THE PARKING LOT OF MY APARTMENT COMPLEX. I TOLD HIM NO. HE INSISTED THAT "WE" SHOULD TAKE
23. IT. I SUCCEEDED IN AGREEING TO GO TAKE A LOOK AT IT. WHEN INSPECTING IT I FOUND THAT THE OUT OF
24. STATE TEMPORARY LICENSE PLATE HAD EXPIRED AND THERE WERE SEVERAL STICKERS ON THE TRAILER
25. STATING THAT IT WAS IMPROPERLY PARKED AND NEEDED TO BE MOVED OR IT WOULD BE TOWED AT
26. THE OWNERS' EXPENSE. JOHN WANTED TO JUST TAKE IT HE INSISTED THAT "WE" SHOULD
27. JUST TAKE IT. I FINALLY GOT HIM INTO MY APARTMENT WHERE HE CONTINUED TO

1. INSIST WE SHOULD JUST TAKE IT EVEN AFTER I HAD TOLD HIM NO. AS NOON TURNED IN TO AFTERNOON
2. I HOPED THAT I HAD CONVINCED JOHN TO NOT JUST TAKE IT. I TOLD HIM THAT THE TRAILER WAS
3. PROBABLY ABANDONED AND THE FOLLOWING DAY I WOULD GO TALK TO THE MANAGER OF THE COMPLEX. IF
4. IT WAS TRULY ABANDONED AND THE MANAGER OF THE COMPLEX DIDN'T MIND THEN WE WOULD TAKE IT.
5. I WAS TIRED OF JOHN REMINGTON. I WAS TRULY AT HIS MERCY AND I DIDN'T KNOW WHAT TO DO.
6. BY LATE AFTERNOON HE ONCE AGAIN HAD BEGAN INSISTING THAT WE GO AND JUST TAKE THE TRAILER.
7. MY FRIEND SUGGESTED WE GO TO A BAR AND PICK UP A GIRL THAT WORKED THERE WHO WAS GETTING OFF AT
8. SIX O'CLOCK. MY FRIEND HAD A TAB THERE, THE GIRL WAS CUTE AND I BELIEVED THE DISTRACTION WOULD
9. MAKE HIM (JOHN) STOP! BUT ON THE WAY OUT OF THE COMPLEX JOHN STOPPED HIS TRUCK BACKED UP TO THE
10. TRAILER AND CHAINED IT TO THE BUMPER OF HIS TRUCK. I GOT OUT OF THE TRUCK TO LEAVE BUT I
11. COULDN'T AND I DON'T KNOW WHY ! I GOT BACK IN THE TRUCK I FELT FRAIL AND WEAK. MY MOVEMENTS
12. WERE SLOW AND AWKWARD MY WHOLE BODY ACHED. (AND I HADN'T BEEN THAT WAY BEFORE!) I DIDN'T REALLY
13. KNOW WHY I WAS GOING ANYWHERE WITH HIM. WHEN WE REACHED THE BAR I NO LONGER REALLY KNEW WHAT
14. WAS GOING ON I JUST WANDERED AROUND THE VICINITY OF THE VEHICLE I HAD CAME IN WHILE JOHN
15. SHOT HIS BIG MOUTH OFF. AFTER JOHN HAD GOT THE LOCK CUT OFF AND SUCCESSFULLY MADE A LOT OF
16. NOISE WE ALL GOT BACK IN THE TRUCK AND JOHN PROCEEDED TO TERRORIZE MOST BY DRIVING WELL
17. OVER THE SPEED LIMIT, RUNNING RED LIGHTS, WITH THE JACK OF THE TRAILER DRAGGING AGAINST
18. THE GROUND. THE CHAIN BROKE AND THE TRAILER SLID TO THE SIDE OF THE ROAD. JOHN TURNED THE
19. TRUCK AROUND AND WENT BACK TO THE TRAILER. WHEN THE POLICE SHOWED UP I DIDN'T FLEE.
20. IN FACT I WAS RELIEVED. I KNEW I WOULD BE GOING HOME SOON., THE ENTIRE TIME I HAD SPENT
21. WITH JOHN REMINGTON HAD BEEN AN ORDEAL AND I WAS GLAD THAT IT WAS OVER. I WAS TAKEN
22. IN AND QUESTIONED. I TOLD THE POLICE THAT I BELIEVED THE TRAILER WAS ABANDONED AND THE
23. REASON I DIDN'T ASSIST JOHN WAS BECAUSE I HAD TOLD HIM TO WAIT UNTIL THE FOLLOWING DAY
24. WHEN I COULD GET PERMISSION. I WAS DISTRAUGHT STILL AND I EVEN TRIED TO FIND SOME WAY
25. THAT I DID ASSIST BUT I SIMPLY DID NOT HELP TAKE OR TAKE ANY THING. A. I COULDN'T I
26. WAS BARELY CAPABLE OF STAYING ON MY FEET AND IT WAS NOT BECAUSE OF ALCOHOL CONSUMPTION.
27. B. I HAD NO DESIRE TO TAKE IT. I DIDN'T WANT THE TRAILER(S) OR ANYTHING IN IT (THEM).

1. I HAD MONEY IN MY POCKET AND A LEGITIMATE SOURCE OF INCOME
THROUGH SEVERAL TEMPORARY SERVICES
2. EVERY MORNING I WANTED TO SHOW UP. C. I HAD JUST HOOKED UP WITH
AN OLD FRIEND WHO WAS
3. STRAIGHTENING HIS "ACT" UP AND WE HAD ALWAYS HAD FUN TOGETHER
WITHOUT BREAKING THE
4. LAW. D. I DON'T WANT ANY PART OF CRIME I HAVEN'T SINCE I WAS
A TEENAGER. PERIOD.
5. I WAS TAKEN TO SALT LAKE COUNTY JAIL. I WAS TOLD BY THE
OFFICERS WHO WERE TAKING
6. ME THERE THAT I WOULDN'T BE CHARGED WITH THEFT. NOW I AM IN
PRISON. PG.3 LN. 14-27,
7. PG. 4 LN. 1-27, PG. 9 LN. 2-6, PG. 10 LN. 3-6, 8-15.
8. IN CONCLUSION, JOHN REMINGTON PLACED ME IN DANGER. HE TRIED TO
INTIMIDATE ME.
9. WHEN I SHOWED NO SIGNS OF FEAR HE BEHAVED EVEN MORE RADICALLY.
I DO BELIEVE, BEYOND A
10. SHADOW OF A DOUBT THAT HE WOULD HAVE INJURED OR KILLED ME IF I
WOULD HAVE DONE, SAID, OR
11. THOUGHT ANYTHING THAT WOULD HAVE EVEN REMOTELY LICENSED HIM TO
DO SO. HIS MANNER MADE
12. IT EXTREMELY DIFFICULT NOT TO LICENSE HIM TO PERFORM NEGATIVE
ACTIVITY DIRECTLY ON MY
13. PERSON. I BELIEVE HE DID SO BECAUSE HIS SISTER POSSIBLY GOT
INTO SOME KIND OF TROUBLE FOR
14. EXTORTING MONEY FROM ME AND THEN CALLING THE POLICE AND CRYING
"GUN" AND "RAPE" WHEN I
15. WOULD GIVE HER NO MORE MONEY.
16. MY PUBLIC DEFENDER DID NOT ADEQUATELY DEFEND ME. THE PEOPLE
SELECTED FOR MY JURY
17. IN JUDGE BRIANS' COURT WERE NOT MY PEERS. I RECOGNIZED TWO
PEOPLE, FOR CERTAIN, AND
18. THE OTHERS WERE FROM THE NEIGHBORHOOD JOHN THAXTON (JOHN
REMINGTON) LIVED IN BRIGHAM
19. CITY, UTAH. THE PEOPLE SELECTED FOR MY JURY IN JUDGE STIRBAS'
COURT WERE NOT MY PEERS AS WELL.
20. I RECOGNIZED SEVERAL OF THE PEOPLE FROM THE FIRST NEIGHBORHOOD
I LIVED IN SALT LAKE CITY.
21. I DON'T KNOW WHAT JOHN OR ANYONE ELSE TOLD OFFICER BEN JONES TO
MAKE HIM SUBMIT
22. A FALSE AND MISLEADING POLICE REPORT TO THE COUNTY BUT THAT IS
WHAT HE SUBMITTED. HE
23. ALSO DID NOT MAKE THE TRANSCRIPTIONS OF THE ORIGINAL
QUESTIONING AVAILABLE TO MY ATTORNEY
24. AND MYSELF BEFORE TRIAL AS PROMISED.
25. I BELIEVE THAT THE PEOPLE IN BOTH JURIES WERE PREJUDICED
AGAINST FINDING ME NOT GUILTY
26. BEFORE I WAS HEARD. FURTHERMORE I BELIEVE MY PUBLIC DEFENDER
WAS UNWILLING TO DEFEND ME TO
27. THE BEST OF HIS ABILITY. FINALLY I WAS TRIED UNFAIRLY ON THE
BASIS OF FALSE INFORMATION IN

1. FRONT OF PEOPLE WHO WERE NOT MY PEERS AND WRONGFULLY FOUND GUILTY.
2. ADULT PROBATION AND PAROLE SUBMITTED AN ERROR FULL AND MAJORITY NEGATIVE
3. REPORT TO THE COURT WITHOUT GIVING MY ATTORNEY AND MY SELF A COPY BEFORE HAND.
- 4 I DID NOT RAPE, HARM OR THREATEN TO KILL (WITH ANY MEANS) JOHN REMINGTONS' (JOHN
5. THAXTON') SISTER TRACY. I GAVE HER THE BENEFIT OF THE DOUBT AND GAVE HER ONE HUNDRED
6. AND FIFTY DOLLARS OF MONEY I HAD TO BORROW I DIDN'T HAVE OR FEEL LIKE I SHOULD
7. HAVE HAD ANY MORE MONEY TO GIVE HER.
8. I DID NOT OBTAIN OR EXERCISE CONTROL OVER ANOTHERS' PROPERTY WITH THE INTENT TO
9. DEPRIVE HIM/HER THEREOF.
10. FURTHER MORE I DID NOT PARTICIPATE IN OBTAINING OR EXERCISING CONTROL OVER
11. ANOTHERS' PROPERTY WITH THE INTENT TO DEPRIVE HIM/HER THEREOF.
12. FINALLY I DID BELIEVE THAT THE PROPERTY I FIRST WITNESSED BEING TAKEN WAS
13. BY THE TRUE OWNER. ALSO I DID BELIEVE THAT CONSENT COULD BE GAINED TO TAKE
14. THE PROPERTY THAT SECONDLY I WITNESSED BEING TAKEN.
15. I WAS TAKEN FOR A RIDE. I WAS VIOLATED SEVERELY BY THE PERSON WHO TOOK ME. I WAS
16. HARMED MENTALLY, EMOTIONALLY, AND PHYSICALLY BY THE VIOLATION. I DID NOT ASSIST OUT
17. OF A LACK OF EARNEST BELIEF THAT THE PROPERTY WAS NOT BEING STOLEN. I DID NOT
18. ASSIST BECAUSE I WAS RENDERED INCAPABLE TO ASSIST.
19. I WAS AND AM STILL A VICTIM. THIS ENTIRE INCIDENT FROM START TO PRESENT HAS
20. BEEN CRUEL AND INHUMANE TO ME.
- 21.
22. WHAT I HAVE WRITTEN IS THE TRUTH. WE ARE ALL FOOLS TO DENY THE TRUTH JUST
23. TO HURT A GOOD PERSON, ME! I DID NOT KNOW HOW TO TELL SOMEONE I HAD JUST
24. BEEN RAPED WHEN I WAS BROUGHT IN AND I'M STILL NOT SURE IF ANYONE WILL CARE.
25. I'VE BEEN TREATED UNFAIRLY BY EVERYONE INVOLVED.

SINCERELY,

BRET CRIDDLE